

**IMPLEMENTATION OF FOOD SAFETY AND STANDARDS ACT,
2006**

**[Action Taken by the Government on the
Observations/Recommendations of the Public Accounts
Committee contained in their 21st Report (17th Lok Sabha)]**

**PUBLIC ACCOUNTS COMMITTEE
(2022-23)**

FIFTY-SEVENTH REPORT

SEVENTEENTH LOK SABHA



**LOK SABHA SECRETARIAT
NEW DELHI**

FIFTY-SEVENTH REPORT

PUBLIC ACCOUNTS COMMITTEE
(2022-23)

(SEVENTEENTH LOK SABHA)

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STANDARDS ACT, 2006**

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Presented to Lok Sabha on: 14-12-2022

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LOK SABHA SECRETARIAT
NEW DELHI

7TH December, 2022 / 16 Agrahayana, 1944 (Saka)

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COMPOSITION OF THE PUBLIC ACCOUNTS COMMITTEE
(2022-23)

Shri Adhir Ranjan Chowdhury - Chairperson

MEMBERS

LOK SABHA

2. Shri Subhash Chandra Baheria
3. Shri Bhartruhari Mahtab
4. Shri Jagdambika Pal
5. Shri Vishnu Dayal Ram
6. Shri Pratap Chandra Sarangi
7. Shri Rahul Ramesh Shewale
8. Shri Gowdar Mallikarjunappa Siddeshwara
9. Shri Brijendra Singh
10. Shri Rajiv Ranjan Singh alias Lalan Singh
11. Dr. Satya Pal Singh
12. Shri Jayant Sinha
13. Shri Balashowry Vallabbhaneni
14. Shri Ram Kripal Yadav
15. Shri Shyam Singh Yadav

RAJYA SABHA

16. Shri Shaktisinh Gohil
17. Shri Bhubaneswar Kalita
18. Dr. Amar Patnaik
19. Dr. C. M. Ramesh
20. Vacant¹
21. Dr. M Thambidurai
22. Dr. Sudhanshu Trivedi

SECRETARIAT

1. Shri T. G. Chandrasekhar - Additional Secretary
2. Shri Tirthankar Das - Director
3. Shri Alok Mani Tripathi - Deputy Secretary

¹ Shri V. Vijayasai Reddy ceased to be a Member of Committee consequent upon his retirement from Rajya Sabha on 21 June, 2022.

INTRODUCTION

I, the Chairperson, Public Accounts Committee (2022-23), having been authorised by the Committee, do present this Fifty-seventh Report (Seventeenth Lok Sabha) on Action Taken by the Government on the Observations/Recommendations of the Committee contained in their Twenty-first Report (Seventeenth Lok Sabha) on **Implementation of Food Safety and Standards Act, 2006**' relating to the Ministry of Health and Family Welfare.

2. The Twenty-first Report was presented to Lok Sabha/laid in Rajya Sabha on 2nd February, 2021. Final Action Taken Replies of the Government to the Observations/ Recommendations contained in the Report were received on 27.01.2022. The Committee considered the draft Report on the subject and adopted the Report at their Sitting held on 5 December, 2022. Minutes of the Sitting are given at Appendix-I.

3. For facility of reference and convenience, the Observations and Recommendations of the Committee have been printed in **bold** in the body of the Report.

4. The Committee place on record their appreciation of the assistance rendered to them in the matter by the Committee Secretariat and the office of the Comptroller and Auditor General of India.

5. An analysis of the Action Taken by the Government on the Observations/Recommendations contained in the Twenty-first Report (Seventeenth Lok Sabha) is given at Appendix-II.

NEW DELHI:
7 December, 2022
16 Agrahayana 1944 (*Saka*)

ADHIR RANJAN CHOWDHURY
Chairperson
Public Accounts Committee

CHAPTER - I

REPORT

This Report of the Public Accounts Committee deals with the Action Taken by the Government on the Observations and Recommendations of the Committee contained in their Twenty-First Report (17th Lok Sabha) on "Implementation of Food Safety and Standards Act, 2006".

2. The Twenty-First Report (17th Lok Sabha) which was presented to Lok Sabha/ laid in Rajya Sabha on 2nd February, 2021 contained 20 Observations/Recommendations. The Action Taken Notes in respect of all the Observations/Recommendations have been received from the Ministry of Health & Family Welfare (Department of Health & Family Welfare) and these are broadly categorized as follows:

i. Observations/Recommendations which have been accepted by the Government:
Para Nos. 1, 2, 3, 4, 7, 8, 12, 13, 14, 15, 16, 17 and 19

Total: 13
Chapter – II

ii. Observations/Recommendations which the Committee do not desire to pursue in view of the replies received from the Government:

NIL

Total: NIL
Chapter – III

iii. Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration:
Para Nos., 5, 6, 9, 10, 11, 18 and 20

Total: 07
Chapter – IV

iv. Observations/Recommendations in respect of which Government have furnished interim replies/no replies:

NIL

Total: NIL
Chapter –V

3. The detailed examination of the subject by the Committee had revealed deficiencies in the digital clearance systems of the food samples, the non NABL laboratories for food

testing, the testing of imported food and the samples taken and non possession of professional and technical qualifications by the Customs Officers designated by FSSAI as Authorised Officers, status of food consignments released despite 'Non-Conformatory' Report against them, the purpose behind the rationalisation of the Points of Entry and the non presence of FSSAI at the border areas of India, especially at the Nepal border etc. The Committee had accordingly given the Observations/Recommendations in their Twenty-First Report on the Subject: '*Implementation of Food Safety and Standards Act, 2006*'.

4. The Committee will now deal with the Action Taken by the Government on the Observations/Recommendations made in the Original Report which either need reiteration or merit comments.

Stakeholders
(Recommendation Para No. 5)

5. The Committee noted that although more than 10 years have elapsed following the enactment of the Food Safety and Standards Act, 2006 and 5 years since FSS regulations came into force, there are several loose ends which are still to be fixed. The Committee also noted that although the process of standardisation is a continuous one and there are numerous challenges being faced by the regulatory and enforcement divisions of FSSAI, however, it is also a fact that action plans with a crystal clear Standard Operating Procedure (SOPs) are lacking at many places to identify areas on which standards are to be formulated/reviewed, if necessary, within specific timelines. The Committee felt that involvement of Food Business Operators (FBOs) as a first step towards identification of food products is necessary, but at the same time, it may be fraught with the risk of orientation towards safeguarding of their own business interest. Therefore, the Committee recommended that for bringing about greater transparency in the task of revision of standards for selection of food products, FSSAI should not limit itself to consulting only with FBOs, rather a wider consultative group with the involvement of public from across various spectrums of life, preferably elected representatives of the people from the local bodies (Panchayat level) to the Members of Parliament, consumer groups and eminent private individuals. The Committee were of the view that it was necessary to appropriately take into consideration the diverse interests of the stakeholders across a wide spectrum and devise effective SOPs enabling stakeholders to prepare their action plans.

6. In the Action Taken Note on the aforesaid recommendation, the Ministry of Health and Family Welfare submitted as under:

“21 Scientific Panels comprising of 11 expert members each have been constituted to review the regulatory framework as and when required. The Panels hold necessary consultations before suggesting the regulatory framework requiring review.

Further, FSSAI has notified Standard Operating Procedure (SoP) prescribing timelines for development and notification of regulations. The draft of a standard/regulation approved by the Food Authority/Government is notified for inviting comments by all stakeholders viz FBOs, Organizations, Individuals etc giving sufficient time (60-90 days) for comments. Where requested, meetings are also held with stakeholders for discussion on draft regulations. After appropriately addressing all the stakeholder comments by the Scientific Panel, the standards are then finalized and notified for implementation as the final standard after following due process. After finalisation, minimum 180 days’ time is given before newly notified standards are enforced.

The Food Authority, which is responsible for framing/review of standards, has Members representing diverse interest groups such as food industry, consumer organisations, farmers’ organisations and retailers’ organisations. Even in other fora/special groups created for purposes of development/review of standards, various interest groups are represented. For example, a Consultative Group was constituted in November, 2020 to finalise the threshold values of fat, sugar and salt for all food categories and subcategories regarding Front of Pack Labelling. The said Group includes representatives from Confederation of Indian Industry (CII), the Confederation of Indian Food Trade and Industry (CIFTI) of Federation of Indian Chambers of Commerce and Industry (CIFTI-FICCI), VOICE and CERC (both consumer organisations) as non-official members.

FSSAI is creating consumer awareness related to food safety, health and nutrition, healthy and safe cooking and eating practices through regular updates shared through different social media platforms like Facebook, Instagram and Twitter and through MyGov platform also.

As a part of ongoing collaboration with MyGov platform, short videos with celebrity endorsements for mass awareness on tips and precautions to stay healthy were developed and disseminated. Videos on food fortification to address micro nutrient deficiencies, trans-fat to deal with non-communicable diseases, adulteration tests etc. were also disseminated.

Online competitions to engage various segments of society to create consumer awareness were also conducted such as Eat Right Creativity Challenge for school children, Eat Right Quiz, Recipe competitions (low salt, healthy recipe, plant rich protein etc.)

A number of handbooks/guidelines documents were also launched to facilitate stakeholders and create awareness around food safety and healthy and nutritious food.

FSSAI is also working towards countering false videos and news items which create scare among consumers through scientifically validated information released through press releases, videos on social media platforms like Facebook, twitter, guidance notes and myth busters which are uploaded on its websites

FSSAI is enabling consumers to make an informed choice through symbols and logos to identify fortified, organic food etc, and through provisions such as menu labelling, hygiene rating, etc.”

7. In their Vetting Comments Audit observed as follows:

“No further comments.”

8. In response to above said Audit observation, Ministry of Health and Family Welfare have reiterated their Action Taken Note cited above, as furnished in the first instance.

9. Although ten years had passed, following the enactment of the Food Safety and Standards Act, 2006 and 5 years since FSS regulations came into force, there are several loose ends which are still required to be fixed. Therefore the Committee came out with the recommendation that for bringing about greater transparency in the task of revision of standards for selection of food products, FSSAI should widen its consultative group with the involvement of public from across various spectrums of life. However, the Committee note the clichéd final action taken reply of the Ministry wherein they have furnished the composition of the Food Authority responsible for framing/reviewing of standards. The Committee further note that no efforts seem to have been made by the Ministry to grasp the intent of the Committee’s recommendation, leave alone the question of pursuing the recommendation in true letter and spirit.

The Committee are surprised to note that their recommendation for inclusion of people from varied sectors including common groups, persons of eminence as also representatives of people is conspicuous by its absence in the Food Authority constituted by FSSAI. The Committee feel that because of their diverse experience, representatives from these sections would be more instrumental in contributing towards framing or review of the food standards for selection of food products.

They, therefore, reiterate their earlier recommendation for involving public from across various spectrums of life including the elected representatives and eminent private individuals in order to take into consideration diverse interests of the stakeholders.

NOC and Product Approval
(Recommendation No. 6)

10. The Committee noted that the FSSAI issued no objection certificates to FBOs and renewed their licenses on the basis of Product Approval Mechanism not under the regulations notified by the former but on the advisories issued therein. This unhealthy practice continued till the intervention and directions of Hon'ble Supreme Court of India, which set them aside as unlawful on the ground that advisories do not empower the FSSAI to issue NOC and renew licenses. The Court held that only regulations issued by FSSAI empower the latter to issue NOCs and renew licenses. The Committee were dismayed to note that FSSAI had failed to ensure the cancellation of the licenses issued under the product approval system, (which was declared unlawful by the Hon'ble Supreme Court and order product recall. The Committee felt, FSSAI being the nodal agency established for food safety, should have acted with agility in the matter. Had there been no audit check, the matter of non-withdrawal of NOCs and licenses issued on the basis of product approval, despite being turned down by the court would not have come to the light. The Committee felt that FSSAI should not only be content with framing of regulations, but should also conduct the assessment of the impact of the regulations in place and all interventional measures should be taken to align the regulatory food safety ecosystem in order to serve the final objective of food safety for the consumers in the country. As per information furnished, officials responsible for acting in violation of Supreme Court's directions have been identified and steps taken to ensure that they are brought to task. Yet the Committee observed that there have been certain administrative delays in the process as a result of which the officials concerned could go scot free despite the recommendations of the fact finding Committee instituted by FSSAI. The Committee, therefore, could not but express their displeasure about the way the matter was handled and recommended FSSAI to aggressively pursue the matter by way of soliciting advisories from DoPT in this regard, so as to enable in tackling all cases of irregularities in proper perspective.

11. In their Action Taken Note, Ministry of Health and Family Welfare stated as under:

“It is stated that at the time of framing regulations, all stakeholders are given sufficient time (60—90 days) for comments / suggestions on the proposed draft regulations. Where requested, meetings are also held with stakeholders for discussion on draft regulations. The draft proposals are reviewed and finalised with appropriate modifications as may be necessary in the light of the comments/suggestions received. Adequate time is given for enforcement of new regulations. Even after the regulations are notified, where necessary, the regulations are reviewed and necessary amendments made, inter-alia, in the light of the experience in its implementation. Thus, through constant interaction with stakeholders and feedback

mechanism in place, any issue relating to impact of regulations is appropriately addressed.

Regarding action against the officials, it is clarified that the fact finding Committee had identified officials for procedural lapses in the process of product approval and not specifically for acting in violation of directions of Hon'ble Supreme Court. Further, in respect of Shri Pradip Chakraborty, then Director on deputation to FSSAI, who was repatriated to his parent cadre in West Bengal in January, 2015, matter was taken up with the concerned cadre authorities viz. West Bengal Fisheries Development Corporation in February, 2015, along with the Preliminary Enquiry Report for initiating major penalty proceedings against him under the Disciplinary Rules governing the official. The West Bengal Fisheries Development Corporation wrote back in August, 2015 conveying a resolution of its Board stating that as Shri Chakraborty was with FSSAI for the relevant period, it was not possible for them to initiate enquiry into the matter which may be done by FSSAI itself. However, as the Rules did not permit FSSAI to take disciplinary action against a person who stood repatriated to his parent Department, FSSAI wrote back to West Bengal State Fisheries Development Corporation on 28th September, 2015 apprising them about the relevant rules and requesting them to take appropriate disciplinary action against Shri Chakraborty. There was no delay on the part of FSSAI in taking up the matter with the concerned cadre controlling authorities of Shri Chakraborty. FSSAI is pursuing the matter with the Corporation.

Regarding action against Shri Anupam Rastogi, then Assistant Director, FSSAI, major penalty proceedings were instituted against him with approval of the disciplinary authority. The report of the Inquiry Officer has been received and the case has been submitted to Central Vigilance Commission (CVC) for second stage advice through Chief Vigilance Officer, Ministry of Health and Family Welfare.”

12. In their vetting comments Audit stated that Ministry may apprise PAC about the outcome of the disciplinary proceedings.

13. In response to above said Audit observation, Ministry of Health and Family Welfare stated as under:

“It is stated that at the time of framing regulations, all stakeholders are given sufficient time (60—90 days) for comments / suggestions on the proposed draft regulations. Where requested, meetings are also held with stakeholders for discussion on draft regulations. The draft proposals are reviewed and finalised with appropriate modifications as may be necessary in the light of the comments/suggestions received. Adequate time is given for enforcement of new regulations. Even after the regulations are notified, where necessary, the regulations are reviewed and necessary amendments made, inter-alia, in the light of the experience in its implementation. Thus, through constant interaction with stakeholders and feedback mechanism in place, any issue relating to impact of regulations is appropriately addressed.

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14. Related to the question of setting of the standards for selection of food products, is the issue of product approval. The Committee had noticed the issue of unlawful advisories by the FSSAI without keeping the Ministry of Health and Family Welfare in loop, way back in the year 2012-13. These advisories permitted the FSSAI to issue product approvals to individual FBOs for products which were not covered under existing standards. No Objection Certificates (NOCs) were issued by the Product Approval Division of the FSSAI, for a period of one year, pending recommendation of the Scientific Panels. Such issuance of provisional approvals were not contemplated in the Act, and the decision on whether a food product is safe or unsafe (as stipulated in section 22 of the Act) can only be determined by way of scientific opinion, which, only Scientific Panels/ Committee can provide under Sections 13 and 14 of the Food Safety and Standards Act, 2006, as amended. It is precisely for this reason, the Honble Supreme Court of India struck down these NOCs as unlawful, as it bypassed Section 93 of the FSS Act (requiring placing the notified regulations before Parliament) thus having no force of law. Having recommended to identify and initiate disciplinary proceedings against erring officers responsible for such violation, the Committee find the reply of the Ministry to be vague and misleading, rather than being committal in nature.

The Committee were given to understand by the replies submitted by the Ministry that the officials responsible for the violation of the Supreme Court's directions have been identified and steps were being taken to ensure that they were brought to task. The Committee feel misled by the updated action taken reply of the Ministry whereby they have been informed that one of the officers involved in the irregularities has been exonerated, and the Ministry have advised FSSAI to identify the officers responsible for providing erroneous information to the Enquiry Committee. The Committee are surprised to note the stance of the Ministry and desire that the process of identification of such officers be made by FSSAI in a time-bound manner so that persons involved in unlawful activities are brought to book. The Committee also desire to be apprised of the outcome in this regard. The Committee are also surprised to note that in another case, the Ministry have expressed helplessness in taking action against the officer concerned only because the individual, who was on deputation to FSSAI, has been repatriated to his parent organization.

The Committee also further note that even after a lapse of more than a decade, the Ministry of Health and Family Welfare is continuing to pursue the matter with the parent organization of the officer in Government of West Bengal. The Committee are anguished to note that while on the one hand, the Ministry have stated that the Rules did not permit FSSAI taking disciplinary action against a person who stood repatriated to his parent Department, on the other, it is claimed that the matter is still being pursued. Moreover, the reply of the Ministry leaves the Committee wondering whether the recommendation of the Committee to solicit advise from DoPT on issues relating to initiating action on the errant officer was at all adhered to by the Ministry. The Committee are of the opinion that when there are innumerable instances of action being taken against officers even after their repatriation, or even superannuation, such an argument by the Ministry is only indicative of a casual approach.

The Committee are of the view that the Ministry of Health and Family Welfare is going slow on an established matter of corruption involving violation of Section 93 of the FSS Act (requiring placing the notified regulations before Parliament) which mandated the requirement of formal approval of regulations by Parliament as well as violation of directions of Hon'ble Supreme Court of India. The Committee recommend

that FSSAI should fix responsibility in these cases of violation and should aggressively pursue these disciplinary cases and the outcome of these cases be intimated to the Committee at the earliest. The Committee further recommend that FSSAI should take all necessary steps to ensure that such irregularities do not recur.

Safety Mechanism for Imported Food-Entry Points

(Recommendation Para No. 9)

15. The Committee noted from the information furnished by the Government that the number of entry points directly being controlled by FSSAI is being increased gradually and the presence of Authorised Officers merely supplements the efforts of FSSAI. The Committee were of the view in this regard that for ensuring effective regulatory control of the FSSAI, the Government should strive to achieve 100 percent presence of FSSAI officials at all entry points of food import. This, the Committee felt, was essential for safeguarding the health of the citizens. The Committee also recommended that FSSAI must examine and review the quality of training being imparted to all officials handling the import of food items at each import entry point in India.

16. In their Action Taken Note Ministry of Health and Family Welfare stated as under:

“FSSAI had earlier notified 417 points of entry for regulating food imports. These points of entry have been rationalised on the basis of volume of food imports and now only 150 points of entry have been notified as food import entry points. These 150 entry points also include some points of entry having low volume of imports which are mainly located at land border to facilitate food import from neighbouring countries. Following operationalisation of new offices at Mundra (Gujarat) and Krishnapatnam (AP) in March, 2021, FSSAI has its Authorised Officers at 44 points of entry at present. All of these are major points of entry. At other points of entry, Customs officers have been notified as Authorised Officers. FSSAI is likely to post its AOs at 23 additional major points of entry within 3 months. With these 67 major points of entry, FSSAI officials will directly regulate 70-80% of food import in the country shortly. Further expansion will take place in a gradual manner depending on availability of funds.

FSSAI, in coordination with National Academy of Customs, Indirect Taxes and Narcotics (NACIN) under Central Board of Indirect Taxes and Customs (CBIC), has developed Food Import Clearance Training of Authorised Officers of Customs (FICTAC) portal which is an online E-Training portal dedicated to the Customs Officials functioning as Authorised Officers. The portal imparts knowledge regarding the food import clearance with updated FSSAI rules and regulations.”

17. Vetting Comments of Audit on the Ministry of Health and Family Welfare’s ATN is given as under:

“No further comments.”

18. In their ATN with respect to Vetting Comments of Audit, Ministry of Health and Family Welfare stated as under:

“FSSAI had earlier notified 417 points of entry for regulating food imports. These points of entry have been rationalised on the basis of volume of food imports and now only 157 points of entry have been notified as food import entry points. These 157 entry points also include some points of entry having low volume of imports which are mainly located at land border to facilitate food import from neighbouring countries. Following operationalisation of new offices, FSSAI has its Authorised Officers at 54 points of entry at present. All of these are major points of entry and with these, FSSAI officials directly regulate 70-80% of food import in the country. Further expansion will take place in a gradual manner depending on availability of funds and the engagement of more manpower.

FSSAI, in coordination with National Academy of Customs, Indirect Taxes and Narcotics (NACIN) under Central Board of Indirect Taxes and Customs (CBIC), has developed Food Import Clearance Training of Authorised Officers of Customs (FICTAC) portal which is an online E-Training portal dedicated to the Customs Officials functioning as Authorised Officers. The portal imparts knowledge regarding the food import clearance with updated FSSAI rules and regulations.”

19. On the issue of the import of safe food in India, the Committee had observed that the Government should strive to achieve 100 percent presence of FSSAI officials at all entry points of food import.

Now, the Committee note from the reply of the Ministry in this regard which puts the compliance at 70-80% and out of a total of 157 points of entry of food imports in India, FSSAI deploys its Authorised Officers at only 54 points. The Committee wonder how, in the absence of sufficient authorized officers at entry points, FSSAI would be able to discharge its regulatory control in an effective manner. The Committee feel that in order to check possible adulteration of food items, its check at import entry points is an imperative need. Considering its importance, the Committee recommend that FSSAI should try to deploy more manpower at all entry points in order to be able to directly regulate 100% of food import in the country. Action taken in this regard may be intimated to the Committee.

Safety Mechanism for Imported Food - Technical Background for Authorised Officers at entry points
(Recommendation Para No. 10)

20. During the Course of the deposition of the officials concerned, the Committee were informed that even a person without appropriate qualifications could be working as FSSAI Authorised Office at the entry points. The Committee noted in this regard that in our country,

availability of persons with appropriate professional credentials/qualifications would not pose a problem. However, there is a need of integration and collaboration among the Universities, Educational Institutions and Industry for development of skills in this area. The Committee were of the view that the linkage between the Industry and Educational Institutions needs to be fostered and strengthened. The Committee noted that in the present situation, any normal graduate who may not possess appropriate or suitable qualifications can become an Authorised Officer and be entrusted with the work of safety of food import in India. The Committee were of the view that for ensuring effective handling of matters of food safety, the Authorised Officer should be professionally qualified to effectively discharge the duties prescribed.

21. Action Taken Notes as furnished by the Ministry of Health and Family Welfare is given as under:

“In FSS (Import) Regulations, 2017, it is mentioned that “The Food Safety and Standards Authority of India shall notify the officers for the purpose of food import clearance to ensure compliance of the provisions of the Act, and it may also notify officers from other government agencies to maintain the standard operating procedure for food import clearance.”

Currently, no specific technical qualification is prescribed in FSS (Import) Regulations, 2017 for Authorised Officers, including Customs officials notified as Authorised Officers. They are appointed in their respective services following due process of selection. They are regularly updated with FSSAI’s regulatory requirements through training programmes organised from time to time. With the augmentation of staff in FSSAI, its officials will be posted at more points of entry to function as AOs. Already FSSAI has plans to open import offices at few more places. However, covering, majority of points of entry with FSSAI officials would take more time.”

22. Vetting Comments of Audit on the aforesaid Action Taken Note are as follows:

“Specific steps taken on the recommendation of PAC, Ministry may apprise the PAC:

- i. For the linkage between the Industry and Educational Institutions
- ii. For effective handling of matters of food safety, the Authorised officer should be professionally qualified..”

23. Final ATN with respect to Vetting Comments is given as under:

“As per provisions of Chapter —IX of the food safety standards (Import) Regulations 2017 Food Authority shall notify officers from other Govt. Departments, including Customs, to maintain standard operating procedure for Food Import Clearance. Currently, no specific technical qualification is prescribed in FSS (Import) Regulations, 2017 for Authorised Officers, including Customs officials notified as Authorised Officers. They are appointed in their respective services following due process of selection.

FSSAI has been organizing various training programmes for the Custom Officers functioning as its Authorised Officers. In association with NACIN Academies at Delhi, Chennai, Kolkata & Mumbai and Regional Centres at Visakhapatnam & Kochi, it has successfully conducted 18 training programmes in the last 4 years. Through these Training programmes, 438 Customs Officials have been imparted Food Import Clearance training. Further, to enable these Custom Officers carry out necessary checks and processes as prescribed under the FSSAI Act and rules & regulations made thereunder and also to extend equal opportunities for concurrent training to the Custom officers posted as Authorised Officers at distant / isolated locations, an on line Training Module “FICTAC” (Food Import Clearance Training for Authorised officers from Customs) has been made live on 19th June 2020 under intimation to all nodal offices. The said module provides quick link to FSSAI Notifications, Orders & FAQs and also gives quick access to Whats App number/email address of FSSAI — Head Office for expeditious resolution of their problems.

FSSAI has also requested CBIC vide D.O. letter dated 8.11.2019 for compulsory training of Customs officials at the time of induction and posting as FSSAI's — Authorised Officers for food import clearance .

It is also mentioned that with the augmentation of staff in FSSAI, its officials will be posted at more points of entry to function as AOs. Already FSSAI has opened import offices at more places viz. Mundra, Kandla, Krishnapatnam, Bengaluru, Hyderabad, Vishakhapatnam.

Regarding establishing linkage between Industry and Educational Institutions, it is submitted that FSSAI has established effective linkages with Industry and educational Institutions through statutorily established networks like NetSCoFaN (Network for Scientific Cooperation for Food Safety and Applied Nutrition), a network of eight groups of research and academic institutes working in the area of food and nutrition; National Reference Laboratory network etc. Further, FSSAI also involves Industry and other Industry related/Scientific Associations to promote regulatory awareness among different stakeholders including regulatory officers. Few such initiatives include NetProFaN (Network of Professionals in Food and Nutrition) and CHIFSS (CII-HUL Initiative on Food Safety Sciences), a tripartite partnership between FSSAI, Confederation of Indian Industry (CII) and Hindustan Unilever Limited (HUL).”

24. One of the important recommendation of the Committee made towards ensuring food safety in the country is to ensure that the Food Safety Officer of the FSSAI is duly qualified for the job. However, the Committee find it distressing to note that the Ministry, instead of initiating action towards ensuring that qualified personnel are engaged, have notified that officers of other Government Departments to be deployed as Authorised Officers.

The Committee feel that the duties of the Food Safety Officer is fundamental for ensuring the food safety in India and deploying officers from Government

Departments who do not possess professional or technical expertise cannot be a befitting replacement for Food Safety Officer.

The Committee, therefore, recommend that the Ministry should ensure that the officials entrusted with the job of ensuring safety of food in India possess requisite technical qualifications for Food Safety in India especially in the context of Food (Import) Regulations. Taking note of the final action taken reply of the Ministry of Health and Family Welfare that currently no specific technical qualification is prescribed in FSS (Import) Regulations, 2017 for Authorised Officers, including Customs officials notified as Authorised Officers, the Committee recommend that specific technical and professional qualification be prescribed for Authorised Officers in the FSS (Import) Regulations, 2017. The Committee are of the view that there is no dearth of professionally qualified persons in the country in the area of food safety and reiterate their recommendation that there is a need for integration and collaboration with industries and educational institutes in this area.

Safety Mechanism for Imported Food- Audit findings of results of assessment of food safety
(Recommendation Para No. 11)

25. The Committee noted that the FSSAI has endeavoured to rationalise the number of entry points of import of food items. The Committee were of the view that rationalisation of entry points should be combined with effective monitoring of these entry points in the matter of safety of food imported food items. The Committee further noted the findings of the Audit that in approximately 9000 cases, the Authorised Officers have neither issued No Objection Certificates (NOC) nor Non-Conformation Report (NCR) despite assessing the safety of food being imported. As pointed out by the Audit, it is the mandate of the FSSAI to regulate the import of food under the Act. The Committee were of the firm view that the Authorised Officers should either issue No Objection Certificates (NOC) or Non-Conformation Report (NCR), as the case may be, and no food item should be allowed to be imported without the safety assessment done by the officials designated by FSSAI. The Committee felt that not issuing either of the two certifications would be grossly improper. The apprehension of unsafe food getting imported cannot be entirely ruled out in view of such instances of non-issue of the prescribed certification going unnoticed. The Committee, therefore, recommended that accountability of officials responsible for such lapses be fixed. In this regard, the Committee also noted that the Ministry of Health and Family Welfare have

ascribed the 'lapses or irregularities' to the incomplete integration of the Food Import Clearance System (FICS) with Indian Customs Electronic Data Interchange Gateway (ICEGATE). The Committee noted in this regard that, at present, the status of a food consignment as reflected in ICEGATE is not captured in FICS on real time basis. They, therefore, recommended that the FSSAI and Central Board of Indirect Taxes and Customs (CBIC) may accelerate the process of complete integration of both the system of ICEGATE and FICS. A definite timeline for such integration needs to be submitted to the Committee.

26. Action Taken by the Ministry of Health and Family Welfare is as under:

"FICS (Food Imports Clearance System) of FSSAI is integrated with Customs ICEGATE in such a way that bills of entry identified through Risk Management System (RMS) are forwarded to FSSAI for examination purpose and No Objection Certificate (NOC)/ Non-Conformance Certificate (NCC) is electronically transmitted from FICS to ICEGATE. However, message exchange regarding Out of Charge of a consignment either for domestic release or for re-export is not transmitted to FICS as of now. FSSAI is coordinating with Central Board of Indirect Taxes and Customs (CBIC) to carry out complete system integration of ICEGATE and FICS so that FSSAI may have all the data pertaining to consignments finally released/ detained/ re-exported by Customs. For this purpose, IT system based requirements have been shared with Single Window team of CBIC and same is expected to be completed by the Customs within a year."

27. In the Vetting Comments Audit stated that Ministry's reply is silent on PAC's recommendations that accountability of officials responsible for lapses of non-issue of the prescribed certificate be fixed.

28. In the Final ATN, Ministry of Health and Family Welfare stated as under:

"FICS (Food Imports Clearance System) of FSSAI is integrated with Customs ICEGATE in such a way that bills of entry identified through Risk Management System (RMS) are forwarded to FSSAI for examination purpose and No Objection Certificate (NOC)/ Non-Conformance Certificate (NCC) is electronically transmitted from FICS to ICEGATE. However, it may be noted that the process of integration of FICS (Food Imports Clearance System) of FSSAI with Single Window System of Customs ICEGATE was initiated only in 2015-16 and before that the applications were filed manually in the system. This resulted in several duplicate/wrongly filed/Incomplete applications being filed in the system which has to be rejected by Authorized Officer.

At the time of audit, approx. 9204 such entries were noted which actually pertains to 3724 unique bills of entry since same bill of entry was filed multiple times by importers/CHAs. Out of these, 783 bills of entry were accepted for further processing and decision was communicated, 248 bills of entry were not in scope of FSSAI as per their end use, clarification was sought in almost 194 bills of entry & appx. 2499 bills of entry were rejected at scrutiny itself by the concerned Authorised Officer as they were duplicate/wrongly filed/Incomplete applications.

To further strengthen the import control and ascertain the Out-of-Charge status of any food consignment, FSSAI is coordinating with Central Board of Indirect Taxes and Customs (CBIC) to carry out complete system integration of ICEGATE and FICS so that FSSAI may have all the data pertaining to consignments finally released to domestic area/detained/re-exported/destroyed by Customs. For this purpose, IT System based requirements have been shared with Single Window team of CBIC and same is expected to be completed by the Customs soon.”

29. The Committee, in their original report noted the findings of Audit that in approximately 9000 cases of import of food at the entry points in India, the Authorised Officers have neither issued No Objection Certificate nor issued the No-Conformation Report. Taking exception to such irregularities, the Committee recommended that accountability of officials responsible for such lapses be fixed, and also to accelerate the process of integration of FICS with ICEGATE.

The Committee are surprised to note that the reply of the Ministry is conspicuously silent about action against the erring officials. Moreover, the Ministry have gone to the extent of justifying that no irregularities have taken place. Considering the gravity of the situation, the Committee reiterate their recommendation that action be taken against the erring officials responsible in this case be and the same be communicated to the Committee at the earliest.

On the aspect of complete integration of the ICEGATE with Food Import Clearance System (FICS), the Committee note that although the work is moving in the right direction, the Ministry has overlooked the recommendation of the Committee to come out with a definite timeline for the work and intimate the same to the Committee.

The Committee therefore again recommend to the Ministry to expedite the work of integration of both the electronic Clearance Systems and the outcome of the action taken in this regard be communicated to the Committee at the earliest.

Manpower
(Recommendation No. 18)

30. The Committee further took note of the gap analysis done by FSSAI in regard to the post of Designated Officers (DOs) under FSSAI and State Food Authorities. While the Designated Officer is one of the key posts, the Committee were astonished to note that State level Authorities are continuing with the shortage of DOs. The Committee felt that FSSAI should regularly undertake persuasive measures with the State Authorities and

emphasise on them the urgency to expedite the recruitment of DOs, whose shortage ranges from 5 to 80 percent in 12 States. The Committee felt that continuing with such a shortage of staff will definitely tell upon the work of the existing staff and the quality of their performance. The Committee would, therefore, recommend that the Ministry, in consultation with State Authorities, take necessary steps to overcome the shortage of staff especially at the key positions.

31. Action Taken by the Ministry of Health and Family Welfare is as under:

“The requirement of Designated Officers (DOs) as assessed is 840. Against this, the number of DOs in position is on a lower side. However, the number of DOs in position which was 619 during 2017-18 has gone up to 667 as on 31.12.2020. This number fluctuates as there were 741 DOs in 2018-19. These figures include DOs who are on additional charge.

FSSAI is regularly persuading States/UTs through various channels viz. written communications, Video Conferencing, State Visits and Central Advisory Committee meetings to appoint requisite number of full time Designated Officers, Food Safety Officers and other technical staff for efficient implementation of laid down provisions of FSS Act, Rules and Regulations made thereunder. Steps taken in this regard by States/UTs are being monitored regularly. Due to persistent efforts by FSSAI, action for creation of new posts/filling of posts have been initiated in various States like West Bengal, Andhra Pradesh, Jharkhand, Delhi, Sikkim, Himachal Pradesh, Punjab, Rajasthan, Bihar, Goa, Odisha etc.”

32. In the Vetting Comments Audit stated that PAC may be intimated about the latest status of vacancies under FSSAI and State Food Authorities.

33. In the Final ATN, Ministry of Health and Family Welfare stated as under:

“FSSAI had undertaken an exercise to work out the ideal strength of DOs/ FSOs for each State/UT taking into account the population, number of blocks, sub-divisions, tehsils etc in States/UTs. The ideal strength of DOs/ FSOs as per FSSAI so worked out was shared with States/ UTs. This ideal strength was reviewed with the States/ UTs in the 31st and 32nd Central Advisory Committee (CAC) meetings. After review and various consultations with States/ UTs, the ideal strength was finalised in the 32nd CAC meeting held on 15 Sep 2021. The latest strength of DOs/FSOs of States/ UTs vis-a-vis the ideal strength is detailed at Annexure-I.

FSSAI is regularly persuading States/UTs through various channels viz. written communications, Video Conferencing, State Visits and Central Advisory Committee meetings to appoint requisite number of full time Designated Officers, Food Safety Officers and other technical staff for efficient implementation of laid down provisions of FSS Act, Rules and Regulations made thereunder. Steps taken in this regard by States/UTs are being monitored regularly. Due to persistent efforts by FSSAI, action for creation of new posts/filling of posts have been initiated in various States like West Bengal, Andhra Pradesh, Jharkhand, Delhi, Sikkim, Himachal Pradesh, Punjab, Rajasthan, Bihar, Goa, Odisha etc.”

34. The Committee in their original report had pointed out aspect of acute shortage of Designated Officers (DOs) in State Food Authorities which ranges from 5 to 80 percent in 12 States and recommended that the Ministry in consultation with State Authorities take necessary steps to overcome the shortage of staff especially at the key level.

The Committee find that the shortage of staff both at Designated Officer (DO) and Food Safety Officer (FSO) levels still remains to be acute in various states. The Committee further note that as against 855 numbers of ideal strength of Designated Officers (DOs), a total of 656 posts of Designated Officer (DOs) are filled at present, and against 4029 numbers of ideal strength of Food Safety Officers (FSOs), a total of 2537 posts of Food Safety Officers (FSOs) are presently in position. The Committee observe that unfilled vacancies at the level of key officials responsible for food safety in the country reflects poorly on the efficiency of the Ministry and various State Governments to guarantee availability of safe food for the common man. They are, therefore, constrained to reiterate their recommendation for taking necessary steps to overcome the shortage of staff especially at key positions in a time bound manner under intimation to the Committee.

Internal Resources
(Recommendation No. 20)

35. The Committee noted that an unspent amount collected mainly in the form of license fee to the tune of ₹ 300 crore is lying idle with FSSAI for want of procedural approval/nod from Ministry of Finance for utilizing the same. The Committee recommended the Government to intervene and expedite the examination of setting up of a separate public account with FSSAI to enable the latter to gainfully utilize these internally generated funds for discharging its mandated duties.

36. Action Taken by the Ministry of Health and Family Welfare is as under:

“The Authority has formulated the Financial Regulations and the same are pending consideration of the Government. Once these are approved, the draft regulations would be notified for soliciting comments from stakeholders. Provision for utilisation of internally generated funds has been included in the draft Financial Regulations.”

37. In the vetting comments, Audit stated as under:

“The action is yet to be completed. Ministry may apprise the PAC about the timeline of notification of Financial Regulations of FSSAI and setting up of a separate public account with FSSAI.”

38. In the Final ATN, Ministry of Health and Family Welfare stated as under:

“The Authority has formulated the Financial Regulations and the same are under examination of the Ministry in consultation with Ministry of Law & Justice and Ministry of Finance. Once these are approved, the draft regulations would be notified for soliciting comments from stakeholders. Provision for utilisation of internally generated funds has been included in the draft Financial Regulations.”

39. After noticing the unspent amount of approximately ₹ 300 crore collected mainly in the form of license fee lying idle with FSSAI, the Committee had recommended the Government to intervene and expedite the examination for setting up a separate public account with FSSAI to enable them to gainfully utilize these internally generated funds for discharging the mandated duties.

However, the Committee note that even after lapse of more than a year since making their recommendation, the process of obtaining approval from the Ministry of Finance still remains at the same place where it was a year back. Whereas on one hand the Ministry are not able to efficiently discharge their mandated tasks due to shortage of funds, on the other hand, the Committee note that there has been little effort on part of the Ministry to claim the amount of ₹300 crores lying unspent and idle. Therefore, the Committee reiterate their recommendation to expedite the process of approval from the Ministry of Finance for setting up of a separate public account with FSSAI. The Committee would specifically desire that this matter be aggressively pursued by the Ministry of Health and Family Welfare with the Ministry of Finance, because an unspent and idle fund lying with the Ministry reflects poorly on the organization.

NEW DELHI:
7 December, 2022
16 Agrahayana 1944 (Saka)

ADHIR RANJAN CHOWDHURY
Chairperson,
Public Accounts Committee

Strength of DOs and FSOs in States/UTs

Sl. No.	State/UT	DO			FSO		
		Ideal	Full Time	Part Time	Ideal	Full Time	Part Time
			No.	No.		No.	No.
1	A&N Islands	3	3	0	14	13	0
2	Andhra Pradesh	17	9	0	132	43	2
3	Arunachal Pradesh	25	1	24	30	3	0
4	Assam	33	0	4	77	32	0
5	Bihar	42	0	14	115	14	0
6	Chandigarh	1	1	0	5	5	0
7	Chhattisgarh	30	0	28	112	60	0
8	Dadra NH &DD	3	3	0	4	3	0
9	Delhi	12	8	0	32	15	0
10	Goa	2	2	0	39	20	0
11	Gujarat	38	25	13	279	188	0
12	Haryana	22	6	0	45	15	0
13	Himachal Pradesh	15	12	0	40	16	0
14	J&K	23	21	0	106	71	0
15	Jharkhand	45	45	0	77	19	0
16	Karnataka	36	24	12	244	38	192
17	Kerala	17	14	0	160	127	0
18	Ladakh	3	1	0	15	1	2
19	Lakshadweep	1	0	1	12	0	9
20	Madhya Pradesh	55	0	51	380	159	0
21	Maharashtra	90	44	0	350	211	0
22	Manipur	18	11	0	34	22	0
23	Meghalaya	11	3	8	23	5	6
24	Mizoram	2	0	3	9	2	7
25	Nagaland	12	3	0	16	7	0
26	Odisha	37	3	34	105	27	0
27	Puducherry	2	1	0	8	1	0
28	Punjab	22	11	11	60	50	0
29	Rajasthan	34	0	34	98	0	49
30	Sikkim	3	3	0	4	4	0

31	Tamil Nadu	39	32	0	391	271	0
32	Telangana	35	9	0	81	37	0
33	Tripura	10	0	10	23	3	0
34	Uttar Pradesh	75	72	0	662	609	0
35	Uttarakhand	14	14	0	57	20	0
36	West Bengal	28	28	0	190	159	0
	Total	855	409	247	4029	2270	267

Note: DO – Designated Officer, FSO – Food Safety Officer. Against total 855 Nos of Ideal Strength of DOs, 656 post of DOs are filled at present. Similarly, against total 4029 Nos of Ideal Strength of FSOs, 2537 posts of FSOs are filled at present.

CHAPTER II

OBSERVATIONS/RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

1. Observation/Recommendation

The Committee note that providing safe food is the primary responsibility of the States. In order to ensure a robust regulatory and administrative mechanism that secures safety of food consumed in the country, the Union Government enacted a comprehensive Act viz. Food Safety and Standards Act, 2006 subsuming the prevalent Prevention of Adulteration Food Act, 1954 and the applicable orders/advisories/instructions issued by different Central Ministries/Departments. The aims and objectives of this Act were to safeguard people of the country against adulterated food as well as educating them towards safe and nutritious food. They further note that even after seven decades since independence , adequate protection has not been ensured to the citizens against adulterated and unsafe food, nor the consumers appropriately educated of the importance of wholesome and nutritious food . The Committee are of the opinion that food being *sine qua non* to human life, the basic human requirement, it is imperative that unadulterated and safe food is accessible to all sections of society including the poorest. They are of the considered view that safe food will not only reduce excessive burden over health but will also have an impact on public hygiene. Therefore, the Committee strongly recommend a robust regulatory and administrative mechanism for safe food in the country.

[Para 1]

Action Taken

FSSAI is in agreement with the recommendations and observations of the Committee on the need for a robust regulatory and administrative mechanism for safe food in the country for which it has been consistently working towards strengthening regulatory and administrative mechanism.

FSSAI has a robust mechanism for development of standards of food products. There are presently 21 Scientific Panels, a few Working Groups/ Expert Committees, the Scientific Committee to oversee the science-based process of standard setting. Regulations have been notified covering all areas related to food standards.

FSSAI is in process of opening new offices and import offices at Points of Entry across the country for strengthening food safety mechanism. FSSAI has already operationalized new import offices at Mundra (Gujarat) and Krishnapatnam (Andhra Pradesh). There are at present 44 Points of Entry at 8 locations under direct control of FSSAI officials.

FSSAI is setting up two more National Food Testing laboratories at Chennai and Mumbai under PPP mode for which the Partners have been identified and awarded the contracts.

FSSAI has strengthened State Food Testing infrastructure under a Central Sector Scheme and an amount of Rs. 314.48 crores has been released to 39 SFTLS in 29 States/UTs towards upgradation with High End Equipments (HEEs) viz. GC-MSMS, LC-MSMS and ICP-MS and for setting up of Microbiology Laboratory (ML) . Further, 90 Mobile Food Testing Labs called Food Safety on Wheels have been provided to 32 States for testing, training and awareness activities to cover also the far flung and remote areas.

FSSAI has conducted Oil survey and Milk Product survey in 2020 to identify hotspots of adulterated products and to take remedial action. Surveillance activities are being enhanced further.

FSSAI has empanelled Experts, identified the trainers, recognised the training institutes and developed the training manual to systemise the whole training ecosystem (induction/refresher courses) for the regulatory staff. So far, over 1500 State regulatory personnel (Food Safety Officers/Designated Officers/Adjudicating Officers) have undergone the regulatory training. FSSAI also conducts general and specialised training for lab personnel of State labs. FSSAI is also conducting training of food handlers under FoSTaC programme and more than 4 lakh food handlers have been trained on ensuring proper hygiene and sanitation in food service establishments.

Infrastructure and regulatory gaps exist in the country's food safety ecosystem which are non-uniform across States and UTs. In order to address the gaps in the food safety eco-system of States/UTs and to promote the culture of safe and wholesome food through pooling of technical knowledge and best practices, as a shared responsibility, FSSAI has signed Memorandums of Understanding (MoUs) for strengthening of Food Safety Eco-system in the country by providing technical and financial support to States/UTs from the year 2020-21 for:

- (i) strengthening of enforcement and compliance system;
- (ii) strengthening of food testing system;
- (iii) implementation of various initiatives under the Eat Right India movement in a focused manner; and
- (iv) any other matter consequential to ensuring food safety.

Further, FSSAI has developed State Food Safety Index to measure the performance of States/UTs on various parameters of Food Safety. The Index is a dynamic quantitative and qualitative benchmarking model that provides an objective framework for evaluating food safety across all States/UTs. The index is based on performance of a State/ UT on five significant parameters, namely; Human Resource and Institutional Data; Compliance; Food Testing Infrastructure & Surveillance; Training & Capacity Building; and Consumer Empowerment. The performance of the States/UTs are monitored on a quarterly basis.

FSSAI is educating consumers to inculcate among them the habit of safe and healthy food through a number of measures which include nation-wide campaign featuring celebrities like Shri Raj Kummar Rao, Shri Virat Kohli and others; developing and uploading guidance notes for consumers; regularly

updating consumers on food safety , health and nutrition through messaging on different social media platforms like Facebook, Instagram, Twitter, YouTube and MyGov platform as well as Doordarshan etc; conducting outreach programmes like eat right challenge, eat right creativity challenge etc.

Vetting Comments of Audit

Ministry may apprise the PAC, if any measure is contemplated to regulate the misleading advertisements on food modules on various platforms. Secondly, the performance of the States /UTs in State Food Safety Index for the last quarter may be provided to PAC.

Final ATN

FSSAI is in agreement with the recommendations and observations of the Committee on the need for a robust regulatory and administrative mechanism for safe food in the country for which it has been consistently working towards strengthening regulatory and administrative mechanism.

FSSAI has a robust mechanism for development of standards of food products. There are presently 21 Scientific Panels, a few Working Groups/ Expert Committees , the Scientific Committee to oversee the science based process of standard setting. Regulations have been notified covering all areas related to food standards.

FSSAI has operationalized new import offices at Krishnapatnam, Mundra, Kandla, Hyderabad, Vishakhapatnam & Bengaluru for strengthening food safety mechanism. There are at present 54 Points of Entry at 12 locations under direct control of FSSAI officials.

FSSAI has established one more National Food Testing laboratory at JNPT , Mumbai under PPP mode and another National Food Testing Lab is being established at CPT, Chennai under PPP mode and is likely to be operational soon.

FSSAI has strengthened State Food Testing infrastructure under a Central Sector Scheme and an amount of Rs. 313.98 crores has been released to 39 SFTLS in 29 States/UTs towards upgradation with High End Equipments (HEEs) viz. GC-MSMS, LC-MSMS and ICP-MS and for setting up of Microbiology Laboratory (ML) . Further, 170 Mobile Food Testing labs (called Food Safety on Wheels) have been sanctioned of which 135 FSWs have been provided to 33 States for testing , training and awareness activities to cover also the far flung and remote areas.

FSSAI has conducted Oil survey and Milk Product survey in 2020 to identify hotspots of adulterated products and to take remedial action. *A trans fat survey was also conducted in 2021 .* Surveillance activities are being enhanced further.

FSSAI has empanelled subject experts/professionals in the field of food science/ law/nutrition/microbiology/food technology etc. as empanelled trainers and recognized the training institutes. FSSAI has developed the training manual to systemize the whole training ecosystem for regulatory

staff. So far, 1674 State regulatory personnel (Food Safety Officer/ Designated Officers) have undergone various training programs (Induction/Refresher/Need Based training, etc.). In addition, around 100 Adjudicating Officers of different States/UTs have undergone Orientation training programs. FSSAI has also conducted general and specialized training for laboratory personnel of State labs. FSSAI is also conducting training of food handlers (FBOs) under FoSTaC programs and more than 7.38 lakh food handlers have so far been trained on ensuring Good Manufacturing Practices (GMP), proper hygiene and sanitation in food service establishments. These training programs are being organized regularly.

Infrastructure and regulatory gaps exist in the country's food safety ecosystem which are non-uniform across States and UTs. In order to address the gaps in the food safety eco-system of States/UTs and to promote the culture of safe and wholesome food through pooling of technical knowledge and best practices, as a shared responsibility, FSSAI has signed Memorandums of Understanding (MoUs) for strengthening of Food Safety Eco-system in the country by providing technical and financial support to States/UTs from the year 2020-21 for:

- (i) strengthening of enforcement and compliance system;
- (ii) strengthening of food testing system;
- (iii) implementation of various initiatives under the Eat Right India movement in a focused manner; and
- (iv) any other matter consequential to ensuring food safety.

For the year 2020-21, funds to the extent of Rs. 64.66 crores were provided to 24 States/UTs. For the year 2021-22, funds to the extent of Rs. 57.67 crore have been provided to 26 States/UTs against approved work plans.

Further, FSSAI has developed State Food Safety Index to measure the performance of States/UTs on various parameters of Food Safety. The Index is a dynamic quantitative and qualitative benchmarking model that provides an objective framework for evaluating food safety across all States/UTs. The index is based on performance of a State/ UT on five significant parameters, namely; Human Resource and Institutional Data; Compliance; Food Testing Infrastructure & Surveillance; Training & Capacity Building; and Consumer Empowerment. The performance of the States/UTs are monitored on a quarterly basis. *The report of the 03rd State Food Safety Index for the year 2020-21 is available at https://www.fssai.gov.in/upload/uploadfiles/files/Report_SFSI_20_09_2021.pdf. It is intimated that FSSAI releases State Food Safety Index on a yearly basis and till now three indexes 2018-19, 2019-20 and 2020-21 has been released. The 03rd State Food Safety Index 2020-21 under 03 categories (Large States, Small States, UTs) was released by the Hon'ble Minister of Health and Family Welfare on 20th Sep 2021. The assessment and evaluation of each category was done by separate teams comprising of outside experts for food testing and food & nutrition professionals in addition to FSSAI officials. The teams*

examined the details provided by States/ UTs and also interacted with States/UTs through web meetings.

FSSAI is educating consumers to inculcate among them the habit of safe and healthy food through a number of measures which include nation-wide campaign featuring celebrities like Shri Raj Kummar Rao, Shri Virat Kohli and others ; developing and uploading guidance notes for consumers; regularly updating consumers on food safety , health and nutrition through messaging on different social media platforms like Facebook, Instagram, Twitter, YouTube and MyGov platform as well as Doordarshan etc; conducting outreach programmes like eat right challenge , eat right creativity challenge etc.

In order to address the issues of misleading advertisements/claims related to Food and Beverages, FSSAI has notified Food Safety and Standards (Advertising and Claims) Regulations, 2018. Further, FSSAI had signed an agreement with Advertising Standards Council of India (ASCI), a self-regulatory voluntary organization of the advertising content on 1st July 2021 for exclusive tracking, tracing and evaluation of all Food and Beverages advertisements appearing across various media which could be potentially violating provisions of FSS Act, Rules and Regulations made thereunder and for submission of its recommendation to FSSAI for further investigation and appropriate action.

2. Observation/Recommendation

The Committee are appreciative of the fact that the Ministry of Health and Family Welfare and the FSSAI have identified 32 areas out of which regulations on 28 areas already have since been notified. However, they observe that it has taken nearly a decade to reach this level. The Committee note that the Food Safety and Standards Authority of India , being the nodal Authority established in 2008 , is accountable primarily for regulating the availability of safe, hygienic and healthy food to all the citizens. The Committee note that FSSAI being the national level apex agency for development of robust food standards and codes of practice for safe food, is accountable to create a positive regulatory environment, establish a credible and robust national food testing environment and infrastructure to address the problem of adulteration and unsafe food in the country. The delay in framing the regulations and their proper enforcement and administration may cost heavily not only on the precious lives of people but also on the national health Exchequer. The Committee, therefore, recommend that FSSAI must notify the regulations on the remaining areas like organic food, financial regulations etc. and keep the regulatory framework agile, progressive and updated. They also recommend that a mechanism may be evolved for frequent and regular reviews of the regulatory framework and regulations notified to keep pace

with the changing food processing technology and emerging new trends in consumer food taste.

[Para 2]

Action Taken

This is to apprise that the Food Safety and Standards (Organic Food) Regulations, 2017 have been notified on 29th December, 2017. The Food Safety and Standards Authority of India (Financial) Regulations have been formulated and the same are under process of notification for inviting stakeholders' comments.

Further, developing/amending standards or regulations is a continuous process taking into account the latest developments in food science, food consumption patterns, new ingredients and additives, advancements in processing technology and food analytical methods, and other best practices. Keeping in view of the changing trend in technology and emerging food safety risk based on secondary data, revision or amendment to a standard is taken up and thus development of standards is a continuous process.

The details of amendments carried out so far in the principal regulations is given at Annexure-I which would show that regulations on standards are constantly evolving.

A robust system for setting standards and prioritization has been put in place. 21 Scientific Panels comprising of 11 expert members each have been constituted to review the regulatory framework as and when required.

FSSAI is also addressing other emerging issues and few of them are enumerated below:

- Expert Committee constituted to provide no objection for conducting human intervention studies on novel or non-specified food ingredients/products.
- Working Group on cell-based meat (cultured meat)
- Task Force for Vegan Foods.

Vetting Comments of Audit

(i) Ministry may apprise the PAC, whether FSSAI has notified the regulations on the remaining areas like financial regulations etc.

(ii) PAC's Report was tabled in the Parliament on 02.02.2021, in which PAC recommended that a mechanism may be evolved for frequent and regular reviews of the regulatory framework and regulations notified. From Annexure-1, it is not clear as to when the last amendment in the principal rules/regulations took place. Hence, it is not clear if Ministry has taken any action on PAC's recommendation since the tabling of PAC Report.

Final ATN:

This is to apprise that the Food Safety and Standards (Organic Food) Regulations, 2017 have been notified on 29th December, 2017 and Food Safety and Standards (Genetically Modified or Genetically Engineered Foods) Regulations, 2021 have been draft notified for inviting stakeholders' comments. The Food Safety and Standards Authority of India (Financial) Regulations have been formulated and the same are under process of draft notification for inviting stakeholders' comments.

The regulations are reviewed and necessary amendments made, inter-alia, in the light of the experience in its implementation for which there is a mechanism for constant interaction with stakeholders and getting feedback. Further, developing/amending standards or regulations is a continuous process taking into account the latest developments in food science, food consumption patterns, new ingredients and additives, advancements in processing technology and food analytical methods, and other best practices. The details of amendments carried out so far in the principal regulations is given at **Annexure-I** which would show that regulations on standards are constantly evolving. *During 2021, 16 Amendment Regulations have been notified. Last amendment is notified on 27.12.2021.*

A robust system for setting standards and prioritization has been put in place. 21 Scientific Panels comprising of 11 expert members each have been constituted to review the regulatory framework as and when required.

FSSAI is also addressing other emerging issues and few of them are enumerated below:

- Expert Committee constituted to provide no objection for conducting human intervention studies on novel or non-specified food ingredients/products.
- Working Group on cell-based meat (cultured meat)
- Task Force for Vegan Foods.

3 Observations/Recommendations

The Committee note that there was a considerable delay of almost two years following the passing of the Act in notifying the Food Safety and Standards Authority of India in the year 2008. Moreover, the Food Safety and Standards Authority started notifying their regulations as per mandate, only from the year 2011 onwards and the process is still continuing . These notifications have brought the entire law into effect, making it mandatory for every food business operator/petty food vendor to register or procure a license depending on the annual turnover.

The Committee further note that sub-section 16(2)(g) of the FSSA Act stipulates that it shall be the duty of the FSSAI to conduct survey for enforcement and administration of the Act. The Committee express concern

over the fact that FSSAI are still not successful in identifying the relevant and new emerging areas of food and their processing mechanism.

The Committee note that there are 67.5 lakh FBOs which are registered with the Authority. The Committee feel that identification of new areas and notification of regulations pertaining thereto and registering new food vendors and licenses to identified food business operators is an ongoing process. There is a possibility that some new FBOs may open and old ones close their business. Therefore, there is no doubt that FSSAI needs to double its efforts to make a comprehensive and exhaustive database of FBOs in the country by digitizing the latter invariably. The Committee note that the FBOs are required to apply for renewal of their food licenses before the license expiry. In this regard, Committee strongly recommend that the Food Business Operators should be taken into confidence to apply for fresh issue as well as renewal of licenses well before the expiry of the license and the computerised system for issue and conversion of licenses be updated, if the need be, to obviate the necessity of any external intervention. The Committee feel that this will not only avoid delay but prevent corrupt practices also. The Committee are of the firm view that this will be possible only with the sustained and continued efforts from FSSAI.

[Para 3]

Action Taken

The Food Authority has reviewed the need and feasibility of conducting survey for identification of FBOs. Since, all food businesses are required to be either registered or licensed under the FSS Act, 2006, therefore FSSAI has advised States/UTs to carry out special drives for registration and licensing of Food Business Operators at regular intervals so that no Food Business Operator operates food business without a valid registration/license. The State Authorities have been requested to take all possible steps to bring all FBOs under the ambit of FSSAI through awareness camps, License/Registration special drives, etc. Further, sub-clause 2.1.3(4)(iii)(f) of FSS Rules states that it shall be the duty of FSO to maintain a database of all food businesses within the area assigned to him. Accordingly, FSOs are required to maintain data of FBOs in their respective areas.

Moreover, FSSAI has signed Memorandums of Understanding (MoUs) with States/UTs to improve the food safety ecosystem in the country by providing financial and technical assistance highlighting the critical areas. Under the MoU framework, funds amounting to Rs. 6361.72 lakh for approved work plans have been released to 23 States/UTs till date.

Further, FSSAI has developed standardized Quarterly Report formats for quarterly review of performance of States/UTs. It is aimed to gather the information from States/UTs and discuss their performance on various benchmarks like availability of Human Resource, Compliance, Inspection and Sampling, status of license/registration, Handling of consumer grievance, Testing Infrastructure, progress on various FSSAI Initiatives etc. Performance of States/UTs has been monitored periodically through Central Advisory

Committee Meetings, Video Conferencing and States' visits. Progress in issuance of licenses/registrations is also regularly monitored in these meetings.

The database of FBOs is now fully computerised through an online platform called FoSCoS. Alerts are generated to FBOs well before expiry of license. In order to promote ease of doing business, perpetual licenses have now been proposed. Auto generation of registration certificates and licenses is also being introduced, which will reduce scope of corrupt practices.

Vetting Comments of Audit

No further comments

Final ATN

The Food Authority has reviewed the need and feasibility of conducting survey for identification of FBOs. Since, all food businesses are required to be either registered or licensed under the FSS Act, 2006, therefore FSSAI has advised States/UTs to carry out special drives for registration and licensing of Food Business Operators at regular intervals so that no Food Business Operator operates food business without a valid registration/license. The State Authorities have been requested to take all possible steps to bring all FBOs under the ambit of FSSAI through awareness camps, License/Registration special drives, etc. Further, sub-clause 2.1.3(4)(iii)(f) of FSS Rules states that it shall be the duty of FSO to maintain a database of all food businesses within the area assigned to him. Accordingly, FSOs are required to maintain data of FBOs in their respective areas.

Moreover, FSSAI has signed Memorandums of Understanding (MoUs) with States/UTs to improve the food safety ecosystem in the country by providing financial and technical assistance highlighting the critical areas. *Under the MoU framework, funds amounting to Rs. 64.66 crores were released to 24 States/UTs during 2020-21 and for the year 2021-22, funds to the extent of Rs. 57.67 crore have been released to 26 States/UTs so far as first tranche.*

Further, FSSAI has developed standardized Quarterly Report formats for quarterly review of performance of States/UTs. It is aimed to gather the information from States/UTs and discuss their performance on various benchmarks like availability of Human Resource, Compliance, Inspection and Sampling, status of license/registration, Handling of consumer grievance, Testing Infrastructure, progress on various FSSAI Initiatives etc. Performance of States/UTs has been monitored periodically through Central Advisory Committee Meetings, Video Conferencing and States' visits. Progress in issuance of licenses/registrations is also regularly monitored in these meetings.

The database of FBOs is now fully computerised through an online platform called FoSCoS. Alerts are generated to FBOs well before expiry of license. In order to promote ease of doing business, perpetual licenses have now been proposed. Auto generation of registration certificates and licenses is also being introduced, which will reduce scope of corrupt practices.

4. Observations/recommendations

The Committee note that the apex food regulator i.e. Food Safety and Standards Authority of India is grappled with the new emerging area of online food delivery platforms. They feel that FSSAI cannot remain content with merely issuing regulations, directives and advisories but shall have to be proactive to share the new responsibility of food safety in e-commerce and online platforms for food items and eatables. The Committee are of the view that in addition to taking the regular recourse of consumer laws put in place to safeguard consumer protection, the FSSAI will have to present an additional alternative e-platform for expediting action in cases of complaints from consumers with regard to quality and safety of food available on line platforms. The Committee further note that in this fast-moving world, there is an imperative need to ensure food safety and quality standard of food available through online platforms. They are of the considered view that FSSAI should evolve a scientific and digital mechanism for expeditious resolution of consumer complaints and grievances, touching all aspects of food safety, packaging for the healthy growth and development of e-commerce food industry in the country. The Committee recommend FSSAI to put in place an online mechanism, in consultation with e-food retailers and consumer groups and other stakeholders, for speedy resolution and effective intervention in matters of food safety thereby fostering a sustainable e-food ecosystem that is predominantly organised. The Committee also desire that the effort of FSSAI should be to find a right balance between self-regulation, voluntary checks and regulatory supervision.

[Para 4]

Action Taken

FSSAI has a robust complaint handling system that provides multiple options to the consumers to raise their food concerns through toll-free 24x7 helpline (1800112100), WhatsApp, Mobile App, Twitter, Facebook, SMS, email, CPGRAM, Instagram (National Consumer Helpline). Independent of the channels through which the concerns are raised, the support at FSSAI back-end acts as facilitators to qualitatively assess before logging in the concern into the web-based system processing centre. This helps to filter non-serious and frivolous concerns from reaching the concerned authorities and also educating the consumers on the mandate of FSSAI. Further, in addition to above channels, in order to facilitate quick redressal of food concerns, FSSAI has developed an online food concern redressal system i.e. 'Food Safety Connect' that is part of the online Food Safety Compliance System (FoSCoS). This online platform helps consumers to register their complaints and feedbacks about food safety issues related to adulterated food, unsafe food, substandard food, labelling defects in food and misleading claims & advertisements related to various food products **including e-commerce issues**. On successful registration of a food concern, consumer receives a unique concern no. via SMS on the mobile number provided at the time of

registering the concern. This reference no. can be used at a later time to track his/her concern in the online system. The FSSAI team, the State DOs/FSOs and the FBOs – all three stakeholders have online access to the grievances raised by consumers.

Besides, 30 States/UTs also have their helpline for food related issues. Remaining States like Bihar, Karnataka, Lakshadweep, Mizoram, Rajasthan and Sikkim have been advised to set up a dedicated helpline in their State at the earliest.

FSSAI is proactively monitoring all the consumer grievance and has asked States/UTs to resolve all consumer concerns/grievances raised expeditiously as per the provisions contained under FSS Act, 2006, Rules and Regulations made thereunder.

As recommended by the Committee, FSSAI is already working towards finding a right balance between self-regulation, voluntary checks and regulatory supervision. Through its FoSTaC platform, FSSAI is encouraging the FBOs to undergo basic training on general hygiene and sanitary practices to be followed. Also, a scheme of hygiene rating of food establishments has been introduced thereby promoting the culture of self-compliance and regulation. Funds are also provided to the States/UTs for arranging such trainings and hygiene rating audits. States/UTs have been advised to reduce inspections of such compliant FBOs and focus mainly on the FBOs in the high-risk category to reduce regulatory supervision and encourage self-regulatory compliance.

Vetting Comments of Audit

Ministry may apprise the PAC whether the remaining States like Bihar, Karnataka, Lakshadweep, Mizoram, Rajasthan and Sikkim have set up a dedicated helpline for food related issues.

Final ATN-

FSSAI has a robust complaint handling system that provides multiple options to the consumers to raise their food concerns through toll-free 24x7 helpline (1800112100), WhatsApp, Mobile App, Twitter, Facebook, SMS, email, CPGRAM, Instagram (National Consumer Helpline). Independent of the channels through which the concerns are raised, the support at FSSAI back-end acts as facilitators to qualitatively assess before logging in the concern into the web-based system processing centre. This helps to filter non-serious and frivolous concerns from reaching the concerned authorities and also educating the consumers on the mandate of FSSAI. Further, in addition to above channels, in order to facilitate quick redressal of food concerns, FSSAI has developed an online food concern redressal system i.e. 'Food Safety Connect' that is part of the online Food Safety Compliance System (FoSCoS). This online platform helps consumers to register their complaints and

feedbacks about food safety issues related to adulterated food, unsafe food, substandard food, labelling defects in food and misleading claims & advertisements related to various food products **including e-commerce issues**. On successful registration of a food concern, consumer receives a unique concern no. via SMS on the mobile number provided at the time of registering the concern. This reference no. can be used at a later time to track his/her concern in the online system. The FSSAI team, the State DOs/FSOs and the FBOs – all three stakeholders have online access to the grievances raised by consumers.

Besides, 30 States/UTs also have their helpline for food related issues. Remaining States like Bihar, Karnataka, Lakshadweep, Mizoram, Rajasthan and Sikkim were advised to set up a dedicated helpline in their State at the earliest. Of these six states, *Rajasthan has since established helpline for food related issues. Remaining 5 States have been further advised to set up a dedicated helpline in their State at the earliest.*

FSSAI is proactively monitoring all the consumer grievance and has asked States/UTs to resolve all consumer concerns/grievances raised expeditiously as per the provisions contained under FSS Act, 2006, Rules and Regulations made thereunder.

As recommended by the Committee, FSSAI is already working towards finding a right balance between self-regulation, voluntary checks and regulatory supervision. Through its FoSTaC platform, FSSAI is encouraging the FBOs to undergo basic training on general hygiene and sanitary practices to be followed. Also, a scheme of hygiene rating of food establishments has been introduced thereby promoting the culture of self-compliance and regulation. Funds are also provided to the States/UTs for arranging such trainings and hygiene rating audits. States/UTs have been advised to reduce inspections of such compliant FBOs and focus mainly on the FBOs in the high-risk category to reduce regulatory supervision and encourage self-regulatory compliance.

7. Observations/Recommendations

The Committee express their dissatisfaction over the shortage of quality laboratories and lack of uniformity of standards across the country. The Committee observe that though the responsibility of enforcement and regulation of food safety and standards lies with the respective State Governments /UTs, the poor and inadequate infrastructure for testing samples in the absence of the financial resources with the States does not allow effective and efficient functioning of the labs with clinical accuracy. Recognising the inadequacy of financial resources available with the State Governments, it would not be prudent to expect optimum improvement in laboratories in States/UTs without financial support from the Union Government. The Committee take note of the existing food testing infrastructure in the country and observe that given the exponential increase

in magnitude of the problem of food adulteration in our country with complex food varieties, that an infrastructure of a mere 340 food testing laboratories would not suffice. The Committee , therefore, recommend that adequate financial support to the States/UTs be provided impromptu to create a robust lab infrastructure duly accredited with National Accreditation Board for Testing and Calibration Laboratories (NABL) . The Committee recommend that in the interest of maintaining food testing standards, the number of mobile food testing laboratories be enhanced till such time sufficient number of food testing laboratories are established.

The Committee are further constrained to note that despite the Bombay High Court's direction, most of the laboratories in the country are still not NABL accredited. The Committee are of the view that NABL accreditation of labs would ensure standards of testing and enhance reliability. The Committee feel that this will ensure uniformity and accuracy in testing standards, which is central to food testing. The Committee, therefore, recommend that FSSAI must ensure that all the labs approved by the Authority are NABL accredited within the shortest time as feasible. The Committee further recommend that food testing laboratories be equipped with necessary infrastructure and trained manpower.

[Para 7]

Action Taken

Earlier, FSSAI had been recognizing even those of the food testing laboratories (FTLs) which were having NABL accreditation even for a few chemical and/or biological parameters. Subsequently, FSSAI notified the FSS (Recognition and Notification of Laboratories) Regulations, 2018 in November, 2018. The *ibid* Regulations cover all the standard procedural requirements for the recognition and notification for laboratories such as types of laboratories, criteria for recognition and notification, renewal, audit & investigation, obligations of the laboratories, suspension, de-recognition, etc.

In order to foster ease of doing business, to bring about transparency, and, to have a proper system for reviewing and monitoring the activities of food laboratories on a single platform and thereby improving the quality of food testing in the country, the Food Authority has started recognizing food laboratories with effect from 15th June, 2019, only through the unified approach of laboratory accreditation/ recognition/approval system of National Accreditation Board for Testing and Calibration Laboratories (NABL) which also has other regulators viz. Export Inspection Council (EIC), The Agricultural and Processed Food Products Export Development Authority (APEDA), Tea Board, and the Indian Oilseed and Produce Export Promotion Council (IOPEPC). Now, only those of the FTLs which have the competence to perform most of the chemical, biological and food safety parameters such as pesticide residue, antibiotic residue, toxins etc. for different categories of food products as per the relevant Food Safety and Standards Regulations are being recognised. Thus, FSSAI is continuously making its effort to enhance the quality and numbers of FSSAI notified NABL accredited laboratories.

Most of the State Food Testing Labs (SFTLs) have not obtained NABL accreditation even after repeatedly taking up the matter by FSSAI at various forums/meetings (CAC meetings, State visits of senior officers, Video conferencing held with States/UTs, etc.). Considering the fact that no action was being taken by few laboratories in this direction, FSSAI has denotified 39 SFTLs out of 74 from the ambit of section 98 of FSS Act, 2006 in December, 2020. As a result, 11 of these 39 SFTLs have also applied for NABL accreditation now and the rest are in the process of doing so. As of today, 193 out of 211 SFTLs under the ambit of FSSAI are NABL accredited, remaining 18 labs have already applied for accreditation and are under evaluation by NABL.

FSSAI had conducted in 2018 a 'Meta Study on Food Testing Laboratories in India: A Synopsis', through Yes Bank. As per the report, around 600 food testing laboratories are available in India. These laboratories include all NABL accredited laboratories (for food products) (459 Laboratories), FSSAI notified laboratories, state laboratories, laboratories approved by APEDA, laboratories approved by EIC, laboratories assisted by MoFPI for upgradation and other institutional and private sector laboratories. Other than these, there is another set of food testing laboratories which exist with the Food Business Operators (FBOs) to carry out their regular/routine tests for raw material as well as value added products. Moreover, there exist around 200 export-oriented units in India (100% export oriented as registered under FSSAI), majority of which have small food testing laboratories for in house tests. In total, these small laboratories with basic testing equipments (largely based on the requirements of the FBOs) are likely to exceed 1000 in number, taking the total number of food testing laboratories in India to more than 1500.

At present, FSSAI has its own National Food Laboratories (NFLs), one at Ghaziabad, U.P. (Northern India) being run on PPP mode; and another at Kolkata, West Bengal (Eastern India) which is being run by FSSAI itself. Further, two more NFLs, one at Chennai Port Trust (CPT), Chennai (Southern India) and another at Jawaharlal Nehru Port Trust (JNPT), Mumbai (Western India) are being set up soon under PPP mode for which the contract is already awarded. It has also come to the notice of FSSAI that some of the States like Uttar Pradesh and Madhya Pradesh are in the process of establishing more State FTLs.

To further strengthen the food testing ecosystem in the States/UTs, FSSAI has implemented a Central Sector Scheme (CSS). A grant of Rs. 10.50 crore to 13.50 crore (approx.) is earmarked for each SFTL. This includes (i) Rs. 0.50 crore towards creation/renovation of infrastructure for housing high-end equipments (HEEs) (ii) Rs. 8.45 crore towards procurement of 3 high end equipments viz. LC-MSMS, GC-MSMS and ICP-MS (along with consumables, Comprehensive AMC and manpower) and, (iii) Rs.1-4 crore towards setting up of microbiology laboratory and Rs. 60 lakh for each SFTL towards procurement of consumables @ Rs. 10 lakhs/year for 3 years and towards meeting contingencies @ Rs. 10 lakhs/year for 3 years. A grant of Rs. 10 crore

is also being provided to a State for setting up of basic food testing laboratory. Further, for those North Eastern States which do not have any Food Testing Laboratory, the Scheme provides a grant of Rs. 3 crore each for setting up new food testing laboratory. So far, a total Grant-in-aid of Rs. 313.48 crore has been released towards upgradation of 39 State Food Safety Laboratories (SFTLs) of 29 States/UTs. This includes 33 for HEE, 4 for basic lab and 2 for upgradation of microbiology lab. This would enable the State Food Testing Laboratories to analyse the safety parameters in food samples such as heavy metals, pesticide residues, drug residues including antibiotics, vitamins, food additives, colour, naturally occurring toxic substances (NOTS), etc., along with microbiological tests.

Further, from the Financial Year 2020-21, grant is also being provided to States/UTs under MoUs towards NABL accreditation, HEE/basic equipment, consumables, basic lab infrastructure, technical manpower, etc.

Referral labs are also being strengthened under the CSS. So far, a grant of Rs. 27.02 Crore has been released towards strengthening of 11 referral laboratories with high end equipment so as to ensure that these laboratories could become the apex labs of the country with the latest state-of-the-art analytical facilities.

FSSAI is also in the process of increasing the number of Mobile Food Testing Labs called Food Safety on Wheels (FSWs) in States/UTs across the country. So far, 90 FSWs have been delivered to 32 States/UTs. Another 60 FSWs are being procured for the year 2021-22.

Vetting Comments of Audit

No further comments

Final ATN

Earlier, FSSAI had been recognizing even those of the food testing laboratories (FTLs) which were having NABL accreditation even for a few chemical and/or biological parameters. Subsequently, FSSAI notified the FSS (Recognition and Notification of Laboratories) Regulations, 2018 in November, 2018. The *ibid* Regulations cover all the standard procedural requirements for the recognition and notification for laboratories such as types of laboratories, criteria for recognition and notification, renewal, audit & investigation, obligations of the laboratories, suspension, de-recognition, etc.

In order to foster ease of doing business, to bring about transparency, and, to have a proper system for reviewing and monitoring the activities of food laboratories on a single platform and thereby improving the quality of food testing in the country, the Food Authority has started recognizing food laboratories with effect from 15th June, 2019, only through the unified approach of laboratory accreditation/recognition/ approval system of National Accreditation Board for Testing and Calibration Laboratories (NABL) which also has other regulators viz. Export Inspection Council (EIC), The Agricultural and

Processed Food Products Export Development Authority (APEDA), Tea Board, and the Indian Oilseed and Produce Export Promotion Council (IOPEPC). Now, only those of the FTLs which have the competence to perform most of the chemical, biological and food safety parameters such as pesticide residue, antibiotic residue, toxins etc. for different categories of food products as per the relevant Food Safety and Standards Regulations are being recognised. Thus, FSSAI is continuously making its effort to enhance the quality and numbers of FSSAI notified NABL accredited laboratories.

Most of the State Food Testing Labs (SFTLs) have not obtained NABL accreditation even after repeatedly taking up the matter by FSSAI at various forums/meetings (CAC meetings, State visits of senior officers, Video conferencing held with States/UTs, etc.). Considering the fact that no action was being taken by few laboratories in this direction, FSSAI has denotified 39 SFTLs out of 74 from the ambit of section 98 of FSS Act, 2006 in December, 2020. *As of today, out of 39 SFTLs which were de-notified by FSSAI, 14 SFTLs has obtained NABL accreditation and notified by FSSAI, 1 SFTI has already closed its operation and 24 are still under de-notified list.*

FSSAI had conducted in 2018 a 'Meta Study on Food Testing Laboratories in India: A Synopsis', through Yes Bank. As per the report, around 600 food testing laboratories are available in India. These laboratories include all NABL accredited laboratories (for food products) (459 Laboratories), FSSAI notified laboratories, state laboratories, laboratories approved by APEDA, laboratories approved by EIC, laboratories assisted by MoFPI for upgradation and other institutional and private sector laboratories. Other than these, there is another set of food testing laboratories which exist with the Food Business Operators (FBOs) to carry out their regular/routine tests for raw material as well as value added products. Moreover, there exist around 200 export-oriented units in India (100% export oriented as registered under FSSAI), majority of which have small food testing laboratories for in house tests. In total, these small laboratories with basic testing equipments (largely based on the requirements of the FBOs) are likely to exceed 1000 in number, taking the total number of food testing laboratories in India to more than 1500.

At present, FSSAI has its own National Food Laboratories (NFLs), one at Ghaziabad, U.P. (Northern India) being run on PPP mode; and another at Kolkata, West Bengal (Eastern India) which is being run by FSSAI itself. *Further, one more NFL at Jawaharlal Nehru Port Trust (JNPT), Mumbai (Western India) has been established under PPP mode. Another NFL is being established under PPP mode and will be operational soon.* It has also come to the notice of FSSAI that some of the States like Uttar Pradesh and Madhya Pradesh are in the process of establishing more State FTLs.

To further strengthen the food testing ecosystem in the States/UTs, FSSAI has implemented a Central Sector Scheme (CSS). A grant of Rs. 10.50 crore to

13.50 crore (approx.) is earmarked for each SFTL. This includes (i) Rs. 0.50 crore towards creation/renovation of infrastructure for housing high-end equipments (HEEs) (ii) Rs. 8.45 crore towards procurement of 3 high end equipments viz. LC-MSMS, GC-MSMS and ICP-MS (along with consumables, Comprehensive AMC and manpower) and, (iii) Rs.1-4 crore towards setting up of microbiology laboratory and Rs. 60 lakh for each SFTL towards procurement of consumables @ Rs. 10 lakhs/year for 3 years and towards meeting contingencies @ Rs. 10 lakhs/year for 3 years. A grant of Rs. 10 crore is also being provided to a State for setting up of basic food testing laboratory. Further, for those North Eastern States which do not have any Food Testing Laboratory, the Scheme provides a grant of Rs. 3 crore each for setting up new food testing laboratory. So far, a total Grant-in-aid of Rs. 313.98 crore has been released towards upgradation of 39 State Food Safety Laboratories (SFTLs) of 29 States/UTs. This includes 33 for HEE, 4 for basic lab and 2 for upgradation of microbiology lab. This would enable the State Food Testing Laboratories to analyse the safety parameters in food samples such as heavy metals, pesticide residues, drug residues including antibiotics, vitamins, food additives, colour, naturally occurring toxic substances (NOTS), etc., along with microbiological tests.

Further, from the Financial Year 2020-21, grant is also being provided to States/UTs under MoUs towards NABL accreditation, HEE/basic equipment, consumables, basic lab infrastructure, technical manpower, etc.

Referral labs are also being strengthened under the CSS. So far, a grant of **Rs. 30.19 Crore** has been released towards strengthening of **12** referral laboratories with high end equipment so as to ensure that these laboratories could become the apex labs of the country with the latest state-of-the-art analytical facilities.

FSSAI is also in the process of increasing the number of Mobile Food Testing Labs called Food Safety on Wheels (FSWs) in States/UTs across the country. *So far, 170 FSWs have been sanctioned out of which 135 FSWs are delivered to 33 States/UTs.*

8. Observations/Recommendations

Chapter V of the Food Safety and Standards Act, 2006 prescribes that all imports of food articles are to be subjected to the provisions of the Act which inter-alia prohibits import of any unsafe or misbranded or sub-standard food or food containing extraneous matter into India. Though the Act, as claimed by Government, sufficiently empowers FSSAI, the Committee understand that the mechanism for ensuring safety and quality standards of food items at the entry points at borders, ports and airports is not adequate and foolproof.

[Para 8]

Action Taken

Section 25 of the Food Safety & Standard Act, 2006, stipulates that all imports of articles of food are subject to the provisions of the Act. The procedure and requirements for import of food articles are regulated by FSS (Import) Regulations, 2017.

FSSAI has its Authorised Officers at 8 locations namely Chennai, Kolkata, Mumbai, Delhi, Kochi, Tuticorin, Krishnapatnam and Mundra covering 44 points of entry for ensuring compliance to the provisions of FSS Act, 2006 and regulations made thereunder. 23 more points of entry will be overseen directly by FSSAI within the next three months, taking the total points of entry covered by FSSAI to 67. These 67 points of entry will account for approximately 70-80% of the total food imports of the country.

Further, there are other locations throughout the country where Customs officials have been notified as Authorised Officers by FSSAI. FSSAI has an online system for clearance of food imports called Food Import Clearance System (FICS) which is integrated with the Customs ICE-GATE (Indian Customs Electronic Commerce/Electronic Data interchange (EC/EDI) Gateway) under SWIFT (Single Window Interface for Facilitating Trade). Selective sampling & testing of food articles on the basis of risk profiling done by FSSAI is implemented at the Customs ICEGATE.

The food articles when referred to FSSAI for clearance by the Customs Authorities are subjected to scrutiny of documents, visual inspection, sampling and testing in order to determine whether or not they conform to the safety and quality standards established and laid down under various Food Safety and Standards Regulations. If sample is found conforming then No Objection Certificate (NOC) is generated and if found non -conforming, then Non-Conformance Report (NCR) is generated.

FSSAI has implemented Risk Management System (RMS) through Custom's ICEGATE based on risk associated with consignment as per the compliance history of importer, exporter, exporting country and risk associated with the food product etc.

FSSAI has also notified around 190 (ISO 17025) accredited labs which are utilized for food testing.

Further, FSSAI is continuously imparting training to officers of field formations to ensure that they are updated about latest FSSAI regulatory developments.

Vetting Comments of Audit

No further comments.

Final ATN

Section 25 of the Food Safety & Standard Act, 2006, stipulates that all imports of articles of food are subject to the provisions of the Act. The procedure and

requirements for import of food articles are regulated by FSS (Import) Regulations, 2017.

FSSAI has its Authorised Officers at 12 locations namely Chennai, Kolkata, Mumbai, Delhi, Kochi, Tuticorin, Krishnapatnam, Vishakhapatnam, Hyderabad, Bangalore, Kandla and Mundra covering 54 points of entry for ensuring compliance to the provisions of FSS Act, 2006 and regulations made thereunder. These points of entry cover majority of the total food imports of the country.

Further, there are other locations throughout the country where Customs officials have been notified as Authorised Officers by FSSAI. FSSAI has an online system for clearance of food imports called Food Import Clearance System (FICS) which is integrated with the Customs ICE-GATE (Indian Customs Electronic Commerce/Electronic Data interchange (EC/EDI) Gateway) under SWIFT (Single Window Interface for Facilitating Trade). Selective sampling & testing of food articles on the basis of risk profiling done by FSSAI is implemented at the Customs ICEGATE.

The food articles when referred to FSSAI for clearance by the Customs Authorities are subjected to scrutiny of documents, visual inspection, sampling and testing in order to determine whether or not they conform to the safety and quality standards established and laid down under various Food Safety and Standards Regulations. If sample is found conforming then No Objection Certificate (NOC) is generated and if found non-conforming, then Non-Conformance Report (NCR) is generated.

FSSAI has implemented Risk Management System (RMS) through Custom's ICEGATE based on risk associated with consignment as per the compliance history of importer, exporter, exporting country and risk associated with the food product etc.

FSSAI has also notified 222 NABL accredited labs which are utilized for food testing.

Further, FSSAI is continuously imparting training to officers of field formations to ensure that they are updated about latest FSSAI regulatory developments

12. Observations/Recommendations

The Committee have taken note of the reply of the Ministry of Health and Family Welfare which states that the duties and responsibilities of the Authorised Officers are equally applicable to the Custom Officials working as AO. However, the Committee note that the FSSAI is silent on the aspect of administrative and regulatory control in case of non-compliance by any Authorised Officer. The Committee, therefore, recommend that the Ministry of Health and Family Welfare must ensure that the Charter of Duties of Authorised Officers of CBIC which should invariably include the role and

responsibilities of the Authorised Officers as envisaged in the Food Safety and Standards (Import) Regulations, 2017

[Para 12]

Action Taken

The Authorised Officers are notified by FSSAI under the relevant provisions of FSS (Import) Regulations, 2017. The Duties and responsibilities and powers mentioned in FSS(Import) Regulations, 2017 are equally applicable on all the officials notified as Authorised Officers , including Customs officials notified as Authorised Officers . These notifications are duly circulated to Customs' Commissionerates and normally the Commissionerates also issue internal orders asking these officers to perform the task assigned to them as Authorised Officer under the Food Safety and Standards Act, 2006.

Vetting Comments of Audit

No further comments.

Final ATN

The Authorised Officers are notified by FSSAI under the relevant provisions of FSS (Import) Regulations, 2017. The Duties and responsibilities and powers mentioned in FSS(Import) Regulations, 2017 are equally applicable on all the officials notified as Authorised Officers , including Customs officials notified as Authorised Officers . These notifications are duly circulated to Customs' Commissionerates and normally the Commissionerates also issue internal orders asking these officers to perform the task assigned to them as Authorised Officer under the Food Safety and Standards Act, 2006.

13. Observations/Recommendations

The Committee have also taken note of the information furnished by the Ministry on the issue of the requirement in regard to labelling of imported food items in India. The Committee , in this regard, express its view that FSSAI must check all imported food items in India for strict compliance with the regulatory conditions. The Committee have also taken note of the fact that the labelling for packaged food provides many a vital information about the food item being imported and that the regulations prescribe that the label should either be in English or Hindi . It would be essential to ensure that no food items allowed to enter the country without all requisite details on the label in accordance with the prescribed regulations.

[Para 13]

Action Taken

The labelling of imported consignments is verified during Scrutiny and Visual inspection of food consignments. Labelling requirements as recommended by the Committee are already applicable as per FSS (Packaging and Labelling) Regulations, 2011 as amended from time to time.

Vetting Comments of Audit

No further comments

Final ATN

The labelling of imported consignments is verified during Scrutiny and Visual inspection of food consignments. Labelling requirements as recommended by the Committee are already applicable as per FSS (Packaging and Labelling) Regulations, 2011 as amended from time to time.

14. Observations/Recommendations

The Committee further note from the reply of the Government that there is an element of regulatory overlap with the Department of Animal Husbandry and Dairying (DAHD) for import of products of animal origin and recommend that FSSAI should sort out the issue by holding active meetings with their counterparts in DAHD.

[Para 14]

Action Taken

FSSAI is conducting regular meetings with Ministry of Fisheries, Animal Husbandry & Dairying (MoFAHD). Recently in a meeting held on 18.03.2021 with MoFAHD, it has been decided that MoFAHD will issue order omitting requirement of Sanitary Import Permit (SIP) for fisheries products, thereby eliminating need of NOC for import clearance. MoFAHD is also in process of vetting the list of HS Code shared by FSSAI which may have overlapping.

Vetting Comments of Audit

No further comments.

Final ATN

The Ministry of Fisheries, Animal Husbandry & Dairying (MoFAHD) vide order dated 13.05.2021 has issued order omitting requirement of Sanitary Import Permit (SIP) for fisheries products, thereby eliminating need of NOC for import clearance from MoFAHD.

15. Observations/Recommendations

The Committee express grave concern over the fact that the rate of conviction is low despite the increasing number of failed samples. One of the reasons for this phenomenon, the Committee feel is attributable to inadequate training of the Food Safety Officers. The Committee feel that the performance of Food Safety Officers needs to be judged not only on the basis of number of samples collected but also on the basis of the number of successful convictions relating to the failed cases. The Committee are of the view that poor infrastructure for storage of samples, particularly in the case of perishable commodities, is a contributory factor for the low conviction rate. The process of sampling should be methodically defined in a scientific way based upon the food item samples and there should be adequate training in regard to sample collection, handling and storage protocols. The Committee urge upon the FSSAI to function as a scientific repertoire and technically credible authority to ensure food safety standards in India.

Action Taken

FSSAI is implementing a scheme of providing financial assistance for Sample Management System (SMS) with cold chain facilities to States/UTs at District Level, subject to their readiness. This facility will not only maintain desired temperature of the food samples during transportation/storage but also facilitate the FSOs to maintain the integrity of the picked up sample from the site of inspection until it reaches the laboratory. The Scheme has provision of following components in order to harmonise the sample collection, its handling, storage & subsequent transport to the laboratories in each district of the country:

1. Compact Cabinets (Each Designated Officer)
2. Vehicle mounted mobile Freezer units- battery operated (Each Designated Officer)
3. Portable chill boxes (Each Food Safety Officer)
4. Back-pack style bags (Each Food Safety Officer)

These SMS components are being distributed based on the requisition received from the States/UTs. Till date, the SMS components have been delivered to 31 States/UTs. Further, FSSAI has also provided training on the use of the SMS components to all the States/UTs.

With an objective of sustainable achievement of target for collection and testing of enforcement samples, the figures for collection of samples based on 8 samples per FSO per month in consonance with the availability of regulatory staff in the States/UTs have been worked out.

Functioning of Sample Management System is being monitored quarterly through Central Advisory Committee Meetings, through Video Conferencing and States' visits. Further, in order to address the gaps in the food safety ecosystem of States/UTs and to promote the culture of safe and wholesome food through pooling of technical knowledge and best practices, as a shared responsibility, FSSAI has signed Memorandums of Understanding (MoUs) to extend both technical and financial support to the States/UTs.

Regarding recommendation for FSSAI to function as a Scientific repertoire and technically credible authority, it is stated that FSSAI has a robust mechanism that involves 21 Scientific Panels, Working Groups/ Expert Committees and the Scientific Committee with scientific and technical experts having domain knowledge as Members to oversee the science-based process of standards setting. FSSAI has thus the necessary scientific and technical expertise for development of standards and regulations

Vetting Comments of Audit No further comments

Final ATN

FSSAI implemented a scheme of providing financial assistance for Sample Management System (SMS) with cold chain facilities to States/UTs at District

Level, subject to their readiness. This facility will not only maintain desired temperature of the food samples during transportation/storage but also facilitate the FSOs to maintain the integrity of the picked-up sample from the site of inspection until it reaches the laboratory. *Under the said scheme there was provision for* following components in order to harmonise the sample collection, its handling, storage & subsequent transport to the laboratories in each district of the country:

5. Compact Cabinets (Each Designated Officer)
6. Vehicle mounted mobile Freezer units- battery operated (Each Designated Officer)
7. Portable chill boxes(Each Food Safety Officer)
8. Back-pack style bags(Each Food Safety Officer)

Till date , 796 Compact Cabinets, 797 Vehicle mounted mobile Freezer units- battery operated, 2545 Portable chill boxes and 2545 Back-pack style bags have been delivered and installed in 31 States/UTs as well as in some State Food Testing Laboratorys, Regional Offices, Port Offices and national Food Labs as per the requisition received from them. Further, FSSAI has also provided training on the use of the SMS components to all the States/UTs.

With an objective of sustainable achievement of target for collection and testing of enforcement samples, the figures for collection of samples based on 8 samples per FSO per month in consonance with the availability of regulatory staff in the States/UTs have been worked out.

Functioning of Sample Management System is being monitored quarterly through Central Advisory Committee Meetings, through Video Conferencing and States' visits. Further, in order to address the gaps in the food safety eco-system of States/UTs and to promote the culture of safe and wholesome food through pooling of technical knowledge and best practices, as a shared responsibility, FSSAI has signed Memorandums of Understanding (MoUs) to extend both technical and financial support to the States/UTs.

FSSAI has developed the training manual to systemize the whole training ecosystem for FSOs and other regulatory staff. So far, 1674 State regulatory personnel (Food Safety Officer/ Designated Officers) have undergone various training programs (Induction/Refresher/Need Based training, etc.). In addition, around 100 Adjudicating Officers of different States/UTs have undergone Orientation training programs. These training programs are being organized regularly.

Regarding recommendation for FSSAI to function as a Scientific repertoire and technically credible authority, it is stated that FSSAI has a robust mechanism that involves 21 Scientific Panels, Working Groups/ Expert Committees and the Scientific Committee with scientific and technical experts having domain knowledge as Members to oversee the science based process of standards setting. FSSAI has thus the necessary scientific and technical expertise for development of standards and regulations .

16. Observations/Recommendations

The Committee would also like to see the standards of FSSAI at par with and in harmonisation with those of the intentional /codex standards and reiterate that state-of-the-art laboratories be established, where any stakeholder/business operator can retrieve the samples for further testing and verification by referral labs in the country .

[Para 16]

Action Taken

Standards notified under the Food Safety and Standards Act, 2006 are mandatory in nature and are specifically framed on the basis of experts' inputs /recommendations by Scientific Panels/Scientific Committee of the FSSAI .

One of the responsibilities of FSSAI is to promote consistency with the relevant international standards as envisaged under Section 16(3) (m) of the FSS Act, 2006. Accordingly, FSSAI has established internationally benchmarked standards for various categories of food products largely harmonized with the Codex Alimentarius. India being a signatory to WTO which recognised the Codex Standards as reference standards for international trade, FSSAI keeps on harmonising the standards under domestic regulations with those of the Codex Alimentarius as appropriate.

FSSAI, while framing standards, also takes into consideration standards of the other international regulatory bodies such as EFSA, USFDA etc. besides standards developed by BIS, AGMARK etc. Significant data generated domestically in India also serves as the starting point for standards development. The globally benchmarked standards in domestic regulations have largely contributed to the strengthening of the food safety system in the country, and in particular enhanced the capacities of the food business operators in producing safe and good quality food products.

Food Testing in India is at par with other developed countries of the world. This can be assessed by number of NABL food testing labs currently exist in the country. These labs have state-of-the-art food testing equipments/instruments and have internationally recognized and validated analytical methods being followed in their labs. In fact, FSSAI notified labs on being satisfied that the labs are meeting ISO 17025 standards, well recognized by the ILAC (International Laboratory Accreditation Cooperation) and APLAC (Asia Pacific Laboratory Accreditation Cooperation).

FSSAI is also co-coordinating with all the research institutions to obtain NABL recognition under integrated assessment so that their labs could be recognized as FSSAI referral laboratories and become the apex labs of the country with the latest state-of-the-art analytical facilities

FSSAI has set up a network of National Reference Laboratories (NRLs) for method development, method validation, training, proficiency testing and providing technical support to FSSAI as well as States, as and when required.

A NRL is either a primary lab notified u/s 43(1) or a referral lab u/s 43(2) of the FSS Act, 2006.

Vetting Comments of Audit

Further progress made to obtain NABL accreditation under integrated assessment by FSSAI may be intimated to PAC

Final ATN

Standards notified under the Food Safety and Standards Act, 2006 are mandatory in nature and are specifically framed on the basis of experts' inputs /recommendations by Scientific Panels/Scientific Committee of the FSSAI . One of the responsibilities of FSSAI is to promote consistency with the relevant international standards as envisaged under Section 16(3) (m) of the FSS Act, 2006. Accordingly, FSSAI has established internationally benchmarked standards for various categories of food products largely harmonized with the Codex Alimentarius. India being a signatory to WTO which recognised the Codex Standards as reference standards for international trade, FSSAI keeps on harmonising the standards under domestic regulations with those of the Codex Alimentarius as appropriate. FSSAI, while framing standards, also takes into consideration standards of the other international regulatory bodies such as EFSA, USFDA etc. besides standards developed by BIS, AGMARK etc. Significant data generated domestically in India also serves as the starting point for standards development. The globally benchmarked standards in domestic regulations have largely contributed to the strengthening of the food safety system in the country, and in particular enhanced the capacities of the food business operators in producing safe and good quality food products.

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Though all the FSSAI notified labs are NABL accredited, since June, 2019, labs are being recognised by FSSAI as per ISO 17025/2017 only through the unified approach of laboratory accreditation/recognition /approval system of National Accreditation Board for Testing and Calibration Laboratories (NABL) which also has other regulators viz. Export Inspection Council (EIC) EIC, Agricultural and Processed Food Products Export Development Authority (APEDA), Tea Board, Indian Oilseed and Produce Export Promotion Council (IOPEPC) on board . Notified labs under Section 43(1) which have not obtained their accreditation through FSSAI-NABL Integrated Assessment mode , including the State Food laboratories , are required to obtain the same through this integrated assessment mode prior to the expiry of their NABL approved validity period. Fresh application for NABL accreditation/FSSAI recognition shall be through FSSAI-NABL integrated assessment mode only. These labs are being monitored by NABL through audits, verification and other periodical desktop surveillance audit, reassessment and renewal of

accreditation. Of the FSSAI's 235 primary and referral labs, 84 have obtained NABL accreditation under FSSAI-NABL Integrated Assessment mode. Another 17 such labs have applied for such Assessment.

Further, FSSAI is also co-coordinating with all the research institutions to obtain NABL recognition under integrated assessment so that their labs could be recognized as FSSAI referral laboratories and become the apex labs of the country with the latest state-of-the-art analytical facilities. . FSSAI has sanctioned Rs. 10 lakhs to each of the five NABL accredited ICAR/State agricultural universities lab to obtain NABL under Integrated Assessment(FSSAI-NABL).

FSSAI has set up a network of National Reference Laboratories (NRLs) for method development, method validation, training, proficiency testing and providing technical support to FSSAI as well as States, as and when required. A NRL is either a primary lab notified u/s 43(1) or a referral lab u/s 43(2) of the FSS Act, 2006.

17. Observations/Recommendation

The Committee note with concern the contents of the section of the report of the C&AG on FSSAI regarding human resources. They have been apprised by FSSAI that nearly 300 contractual employees including technical staff who have been hired are continuing in service for more than five years. The Committee feel that there is a legitimate expectation from contractual employees to continue on the posts, although hired on short term basis. The Committee would, therefore, recommend FSSAI to identify all such areas accurately where the nature of work is of a perennial nature and in accordance with the recruitment regulations and extant laws of the land, expedite the process of recruitment of officers/staff at various levels in FSSAI in permanent capacity, wherever required.

[Para 17]

Action Taken

Considering the manpower requirement of FSSAI, Government has sanctioned additional 493 posts in August, 2018 thereby raising its sanctioned strength to 824 posts. The details of these posts are at Annexure II . Immediately after recruitment regulations were notified on 1st October, 2018, FSSAI started recruitment process to fill up the posts on direct recruitment basis, in the first phase. Recruitment to 288 posts has been completed so far and appointment orders issued. Skill test for filling up of 28 posts of Personal Assistants is scheduled for for 07.04.2021. 177 newly recruited employees have already joined the Authority. There are 210 regular employees in FSSAI at present . Besides, 76 posts have been filled up on deputation basis. FSSAI will start recruitment process of 2nd phase in April, 2021. , Consequent upon joining of the regular employees the number of contractual employees has come down to 175.

Vetting Comments of Audit

The details provided by Ministry are not upto date. Ministry may apprise the PAC of the updated position

Final ATN

*Considering the manpower requirement of FSSAI, Government has sanctioned additional 493 posts in August, 2018 thereby raising its sanctioned strength to 824 posts. Subsequently, Food Safety and Standards Authority of India (Recruitment and Appointment) Regulations, 2018 were notified. The details of these posts are at **Annexure II**. Immediately after recruitment regulations were notified on 1st October, 2018, FSSAI started recruitment process to fill up the posts on direct recruitment basis. In the first phase, recruitment of 288 posts has been completed and appointment orders issued. 254 newly recruited employees have already joined the Authority. There are 280 regular employees in FSSAI at present. Besides, 76 posts have been filled up on deputation basis and 40 posts have been filled up on deemed deputation basis. FSSAI has started 2nd phase recruitment process for 38 senior level posts (Pay level 11 and above) and various junior level posts (Pay level 10 and below) by issuing advertisements in April, 2021 and September, 2021 respectively.*

Consequent upon joining of regular employees, the number of contractual employees has come down to 163.

19. Observations/Recommendation

The Committee note that sustained scrutiny has finally yielded the desired result whereby an Internal Audit Cell has now been established in FSSAI. The Committee believe that the Internal Audit Cell will act as a catalyst to the efforts of FSSAI to function as an organisation of undoubted credibility.

[Para19]

Action Taken

Recommendations of the Committee are noted.

Vetting Comments of Audit

As per direction of PAC, the replies should be comprehensive and not inconclusive, vague, or couched in general terms like 'Noted' or 'accepted' etc. Hence, specific steps taken in compliance to PAC's observation may be stated.

Final ATN

Recommendations of the Committee have been complied with and Internal Audit Cell is fully functional now.

CHAPTER III

OBSERVATIONS/RECOMMENDATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE REPLIES RECEIVED FROM THE GOVERNMENT

-NIL-

CHAPTER IV

OBSERVATIONS/RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION

5. Observations /Recommendations

The Committee note that although more than 10 years have elapsed following the enactment of the Food Safety and Standards Act, 2006 and 5 years since FSS regulations came into force, there are several loose ends which are still to be fixed. The Committee also note that although the process of standardisation is a continuous one and there are numerous challenges being faced by the regulatory and enforcement divisions of FSSAI, however, it is also a fact that action plans with a crystal clear Standard Operating Procedure (SOPs) are lacking at many places to identify areas on which standards are to be formulated/reviewed, if necessary, within specific timelines. The Committee feel that involvement of FBOs as a first step towards identification of food products is necessary, but at the same time, it may be fraught with the risk of orientation towards safeguarding of their own business interest. Therefore, the Committee recommend that for bringing about greater transparency in the task of revision of standards for selection of food products, FSSAI should not limit itself to consulting only with Food Business Operators, rather a wider consultative group with the involvement of public from across various spectrums of life , preferably elected representatives of the people from the local bodies (Panchayat level) to the Members of Parliament , consumer groups and eminent private individuals. The Committee are of the view that it is necessary to appropriately take into consideration the diverse interests of the stakeholders across a wide spectrum and devise effective SOPs (Standard Operating Procedures) enabling stakeholders to prepare their action plans

[Para 5]

Action Taken

21 Scientific Panels comprising of 11 expert members each have been constituted to review the regulatory framework as and when required. The Panels hold necessary consultations before suggesting the regulatory framework requiring review.

Further, FSSAI has notified Standards Operating Procedure (SoP) prescribing timelines for development and notification of regulations. The draft of a standard/regulation approved by the Food Authority/Government is notified for inviting comments by all stakeholders viz FBOs, Organizations, Individuals etc giving sufficient time (60-90 days) for comments. Where requested, meetings are also held with stakeholders for discussion on draft regulations. After appropriately addressing all the stakeholder comments by the Scientific Panel, the standards are then finalized and notified for implementation as the final standard after following due process. After finalisation, minimum 180 days' time is given before newly notified standards are enforced.

The Food Authority, which is responsible for framing/review of standards, has Members representing diverse interest groups such as food industry, consumer organisations, farmers' organisations and retailers' organisations. Even in other fora/special groups created for purposes of development/review of standards, various interest groups are represented. For example, a Consultative Group was constituted in November, 2020 to finalise the threshold values of fat, sugar and salt for all food categories and subcategories regarding Front of Pack Labelling. The said Group includes representatives from Confederation of Indian Industry (CII), the Confederation of Indian Food Trade and Industry (CIFTI) of Federation of Indian Chambers of Commerce and Industry (CIFTI-FICCI), VOICE and CERC (both consumer organisations) as non-official members.

FSSAI is creating consumer awareness related to food safety, health and nutrition, healthy and safe cooking and eating practices through regular updates shared through different social media platforms like Facebook, Instagram and Twitter and through MyGov platform also.

As a part of ongoing collaboration with MyGov platform, short videos with celebrity endorsements for mass awareness on tips and precautions to stay healthy were developed and disseminated. Videos on food fortification to address micro nutrient deficiencies, trans-fat to deal with non-communicable diseases, adulteration tests etc. were also disseminated.

Online competitions to engage various segments of society to create consumer awareness were also conducted such as Eat Right Creativity Challenge for school children, Eat Right Quiz, Recipe competitions (low salt, healthy recipe, plant rich protein etc.)

A number of handbooks/guidelines documents were also launched to facilitate stakeholders and create awareness around food safety and healthy and nutritious food.

FSSAI is also working towards countering false videos and news items which create scare among consumers through scientifically validated information released through press releases, videos on social media platforms like Facebook, twitter, guidance notes and myth busters which are uploaded on its websites

FSSAI is enabling consumers to make an informed choice through symbols and logos to identify fortified, organic food etc, and through provisions such as menu labelling, hygiene rating, etc.

Vetting Comments of Audit

No further comments

Final ATN

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FSSAI is enabling consumers to make an informed choice through symbols and logos to identify fortified, organic food etc, and through provisions such as menu labelling, hygiene rating, etc.

6 Recommendations/Observations

The Committee note that the FSSAI issued no objection certificates to FBOs and renewed their licenses on the basis of Product Approval Mechanism not under the regulations notified by the former but on the advisories issued therein. This unhealthy practice continued till the intervention and directions of Supreme Court of India , which set them aside as unlawful on the ground that advisories do not empower the FSSAI to issue NOC and renew licenses. The Court held that only regulations issued by FSSAI empower the latter to issue NOCs and renew licenses. The Committee are dismayed to note that FSSAI had failed to ensure the cancellation of the licenses issued under the product approval system, which was declared unlawful by the Supreme Court and order product recall. The Committee feel, FSSAI being the nodal agency established for food safety, should have acted with agility in the matter. Had there been no audit check, the matter of non-withdrawal of NOCs and licenses issued on the basis of product approval, despite being turned down by the court would not have come to the light. The Committee feel that FSSAI should not only be content with framing of regulations, but should also conduct the assessment of the impact of the regulations in place and all interventional measures should be taken to align the regulatory food safety ecosystem in order to serve the final objective of food safety for the consumers in the country.

As per information furnished, officials responsible for acting in violation of Supreme Court's directions have been identified and steps taken to ensure that they are brought to task. Yet the Committee observe that there have been certain administrative delays in the process as a result of which the officials concerned could go scot free despite the recommendations of the fact finding Committee instituted by FSSAI. The Committee , therefore, can not but express their displeasure about the way the matter was handled and recommend FSSAI to aggressively pursue the matter by way of soliciting advisories from DoPT in this regard , so as to enable in tackling all cases of irregularities in proper perspective.

[Para 6]

Action Taken

It is stated that at the time of framing regulations, all stakeholders are given sufficient time (60—90 days) for comments / suggestions on the proposed draft regulations. Where requested, meetings are also held with stakeholders for discussion on draft regulations . The draft proposals are reviewed and finalised with appropriate modifications as may be necessary in the light of the comments/suggestions received. Adequate time is given for enforcement of new regulations. Even after the regulations are notified, where necessary , the regulations are reviewed and necessary amendments made , inter-alia, in the light of the experience in its implementation. Thus, through constant

interaction with stakeholders and feedback mechanism in place, any issue relating to impact of regulations is appropriately addressed.

Regarding action against the officials, it is clarified that the fact finding Committee had identified officials for procedural lapses in the process of product approval and not specifically for acting in violation of directions of Hon'ble Supreme Court. Further, in respect of Shri Pradip Chakraborty, then Director on deputation to FSSAI, who was repatriated to his parent cadre in West Bengal in January, 2015, matter was taken up with the concerned cadre authorities viz. West Bengal Fisheries Development Corporation in February, 2015, along with the Preliminary Enquiry Report for initiating major penalty proceedings against him under the Disciplinary Rules governing the official. The West Bengal Fisheries Development Corporation wrote back in August, 2015 conveying a resolution of its Board stating that as Shri Chakraborty was with FSSAI for the relevant period, it was not possible for them to initiate enquiry into the matter which may be done by FSSAI itself. However, as the Rules did not permit FSSAI to take disciplinary action against a person who stood repatriated to his parent Department, FSSAI wrote back to West Bengal State Fisheries Dev Corporation on 28th September, 2015 apprising them about the relevant rules and requesting them to take appropriate disciplinary action against Shri Chankraborty. There was no delay on the part of FSSAI in taking up the matter with the concerned cadre controlling authorities of Shri Chakraborty. FSSAI is pursuing the matter with the Corporation.

Regarding action against Shri Anupam Rastogi, then Assistant Director, FSSAI, major penalty proceedings were instituted against him with approval of the disciplinary authority. The report of the Inquiry Officer has been received and the case has been submitted to Central Vigilance Commission (CVC) for second stage advice through Chief Vigilance Officer, Ministry of Health and Family Welfare.

Vetting Comments of Audit

Ministry may apprise PAC about the outcome of the disciplinary proceedings.

Final ATN

It is stated that at the time of framing regulations, all stakeholders are given sufficient time (60—90 days) for comments / suggestions on the proposed draft regulations. Where requested, meetings are also held with stakeholders for discussion on draft regulations. The draft proposals are reviewed and finalised with appropriate modifications as may be necessary in the light of the comments/suggestions received. Adequate time is given for enforcement of new regulations. Even after the regulations are notified, where necessary, the regulations are reviewed and necessary amendments made, inter-alia, in the light of the experience in its implementation. Thus, through constant interaction with stakeholders and feedback mechanism in place, any issue relating to impact of regulations is appropriately addressed.

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Regarding action against Shri Anupam Rastogi, then Assistant Director, FSSAI, major penalty proceedings were instituted against him with approval of the disciplinary authority. *The IO was appointed by the Disciplinary authority and the IO has submitted the report. Based on the IO's report and the second stage advice of the CVC, the Disciplinary Authority has exonerated Shri Anupam Rastogi of all the charges vide order dated 18-10-2021. FSSAI has been advised to find out the officers responsible for providing erroneous information to the Enquiry Committee. Appropriate action is being taken accordingly.*

9. Observations/Recommendations

The Committee note from the information furnished by the Government that the number of entry points directly being controlled by FSSAI is being increased gradually and the presence of Authorised Officers merely supplements the efforts of FSSAI. The Committee are of the view in this regard that for ensuring effective regulatory control of the FSSAI, the Government should strive to achieve 100 percent presence of FSSAI officials at all entry points of food import. This, the Committee feel , is essential for safeguarding the health of the citizens. The Committee also recommend that FSSAI must examine and review the quality of training being imparted to all officials handling the import of food items at each import entry point in India.

[Para 9]

Action Taken

FSSAI had earlier notified 417 points of entry for regulating food imports. These points of entry have been rationalised on the basis of volume of food imports and now only 150 points of entry have been notified as food import

entry points. These 150 entry points also include some points of entry having low volume of imports which are mainly located at land border to facilitate food import from neighbouring countries. Following operationalisation of new offices at Mundra (Gujarat) and Krishnapatnam (AP) in March, 2021, FSSAI has its Authorised Officers at 44 points of entry at present. All of these are major points of entry. At other points of entry, Customs officers have been notified as Authorised Officers. FSSAI is likely to post its AOs at 23 additional major points of entry within 3 months. With these 67 major points of entry, FSSAI officials will directly regulate 70-80% of food import in the country shortly. Further expansion will take place in a gradual manner depending on availability of funds.

FSSAI, in coordination with National Academy of Customs, Indirect Taxes and Narcotics (NACIN) under Central Board of Indirect Taxes and Customs (CBIC), has developed Food Import Clearance Training of Authorised Officers of Customs (FICTAC) portal which is an online E-Training portal dedicated to the Customs Officials functioning as Authorised Officers. The portal imparts knowledge regarding the food import clearance with updated FSSAI rules and regulations.

Vetting Comments of Audit

No further comments

Final ATN

FSSAI had earlier notified 417 points of entry for regulating food imports. These points of entry have been rationalised on the basis of volume of food imports and now only 157 points of entry have been notified as food import entry points. These 157 entry points also include some points of entry having low volume of imports which are mainly located at land border to facilitate food import from neighbouring countries. *Following operationalisation of new offices, FSSAI has its Authorised Officers at 54 points of entry at present. All of these are major points of entry and with these, FSSAI officials directly regulate 70-80% of food import in the country.* Further expansion will take place in a gradual manner depending on availability of funds and the *engagement of more manpower.*

FSSAI, in coordination with National Academy of Customs, Indirect Taxes and Narcotics (NACIN) under Central Board of Indirect Taxes and Customs (CBIC), has developed Food Import Clearance Training of Authorised Officers of Customs (FICTAC) portal which is an online E-Training portal dedicated to the Customs Officials functioning as Authorised Officers. The portal imparts knowledge regarding the food import clearance with updated FSSAI rules and regulations.

10 Observations/Recommendations

During the Course of the deposition of the officials concerned, the Committee were informed that even a person without appropriate qualifications could be working as FSSAI Authorised Office at the entry points. The Committee note in this regard that in our country, availability of persons with appropriate

professional credentials/qualifications would not pose a problem. However, there is a need of integration and collaboration among the Universities , Educational Institutions and Industry for development of skills in this area. The Committee are of the view that the linkage between the Industry and Educational Institutions needs to be fostered and strengthened. The Committee note that in the present situation, any normal graduate who may not possess appropriate or suitable qualifications can become an Authorised Officer and be entrusted with the work of safety of food import in India . The Committee are of the view that for ensuring effective handling of matters of food safety, the Authorised Officer should be professionally qualified to effectively discharge the duties prescribed.

[Para 10]

Action Taken

In FSS (Import) Regulations, 2017, it is mentioned that “The Food Safety and Standards Authority of India shall notify the officers for the purpose of food import clearance to ensure compliance of the provisions of the Act, and it may also notify officers from other government agencies to maintain the standard operating procedure for food import clearance.”

Currently , no specific technical qualification is prescribed in FSS (Import) Regulations, 2017 for Authorised Officers, including Customs officials notified as Authorised Officers . They are appointed in their respective services following due process of selection . They are regularly updated with FSSAI’s regulatory requirements through training programmes organised from time to time. With the augmentation of staff in FSSAI, its officials will be posted at more points of entry to function as AOs. Already FSSAI has plans to open import offices at few more places. However, covering ,majority of points of entry with FSSAI officials would take more time.

Vetting Comments of Audit

Specific steps taken on the recommendation of PAC, Ministry may apprise the PAC:

- i. For the linkage between the Industry and Educational Institutions
- ii. For effective handling of matters of food safety, the Authorised officer should be professionally qualified.

Final ATN

As per provisions of Chapter —IX of the food safety standards (Import) Regulations 2017 Food Authority shall notify officers from other Govt. Departments, including Customs, to maintain standard operating procedure for Food Import Clearance. Currently, no specific technical qualification is prescribed in FSS (Import) Regulations, 2017 for Authorised Officers, including

Customs officials notified as Authorised Officers . They are appointed in their respective services following due process of selection.

FSSAI has been organizing various training programmes for the Custom Officers functioning as its Authorised Officers. In association with NACIN Academies at Delhi, Chennai, Kolkata & Mumbai and Regional Centres at Visakhapatnam & Kochi, it has successfully conducted 18 training programmes in the last 4 years. Through these Training programmes, 438 Customs Officials have been imparted Food Import Clearance training. Further, to enable these Custom Officers carry out necessary checks and processes as prescribed under the FSSAI Act and rules & regulations made thereunder and also to extend equal opportunities for concurrent training to the Custom officers posted as Authorised Officers at distant / isolated locations , an on line Training Module "FICTAC" (Food Import Clearance Training for Authorised officers from Customs) has been made live on 19th June 2020 under intimation to all nodal offices. The said module provides quick link to FSSAI Notifications, Orders & FAQs and also gives quick access to Whats App number/email address of FSSAI —Head Office for expeditious resolution of their problems.

FSSAI has also requested CBIC vide D.O. letter dated 8.11.2019 for compulsory training of Customs officials at the time of induction and posting as FSSAI's — Authorised Officers for food import clearance .

It is also mentioned that with the augmentation of staff in FSSAI, its officials will be posted at more points of entry to function as AOs. *Already FSSAI has opened import offices at more places viz. Mundra, Kandla, Krishnapatnam, Bengaluru, Hyderabad, Vishakhapatnam..*

Regarding establishing linkage between Industry and Educational Institutions, it is submitted that FSSAI has established effective linkages with Industry and educational Institutions through statutorily established networks like NetSCoFaN (Network for Scientific Cooperation for Food Safety and Applied Nutrition), a network of eight groups of research and academic institutes working in the area of food and nutrition; National Reference Laboratory network etc. Further, FSSAI also involves Industry and other Industry related/Scientific Associations to promote regulatory awareness among different stakeholders including regulatory officers. Few such initiatives include NetProFaN (Network of Professionals in Food and Nutrition) and CHIFSS (CII-HUL Initiative on Food Safety Sciences), a tripartite partnership between FSSAI, Confederation of Indian Industry (CII) and Hindustan Unilever Limited (HUL) .

11. Observations/Recommendations

The Committee note that the FSSAI has endeavoured to rationalise the number of entry points of import of food items. The Committee are of the view that rationalisation of entry points should be combined with effective monitoring of these entry points in the matter of safety of food imported food

items. The Committee further note the findings of the Audit that in approximately 9000 cases, the Authorised Officers have neither issued No Objection Certificates (NOC) nor Non-Conformation Report (NCR) despite assessing the safety of food being imported. As pointed out by the Audit, it is the mandate of the FSSAI to regulate the import of food under the Act. The Committee are of the firm view that the Authorised Officers should either issue No Objection Certificates (NOC) or Non-Conformation Report (NCR) , as the case may be, and no food item should be allowed to be imported without the safety assessment done by the officials designated by FSSAI. The Committee feel that not issuing either of the two certifications would be grossly improper. The apprehension of unsafe food getting imported cannot be entirely ruled out in view of such instances of non-issue of the prescribed certification going unnoticed. The Committee , therefore, recommend that accountability of officials responsible for such lapses be fixed. In this regard, the Committee also note that the Ministry of Health and Family Welfare have ascribed the 'lapses or irregularities' to the incomplete integration of the Food Import Clearance System (FICS) with Indian Customs Electronic Gateway (ICEGATE) . The Committee note in this regard that, at present, the status of a food consignment as reflected in ICEGATE is not captured in FICS on real time basis. They, therefore, recommend that the FSSAI and Central Board of Indirect Taxes and Customs (CBIC) may accelerate the process of complete integration of both the system of ICEGATE and FICS. A definite timeline for such integration needs to be submitted to the Committee.

[Para 11]

Action Taken

FICS (Food Imports Clearance System) of FSSAI is integrated with Customs ICEGATE in such a way that bills of entry identified through Risk Management System (RMS) are forwarded to FSSAI for examination purpose and No Objection Certificate(NOC)/ Non-Conformance Certificate(NCC) is electronically transmitted from FICS to ICEGATE. However, message exchange regarding Out of Charge of a consignment either for domestic release or for re-export is not transmitted to FICS as of now. FSSAI is coordinating with Central Board of Indirect Taxes and Customs (CBIC) to carry out complete system integration of ICEGATE and FICS so that FSSAI may have all the data pertaining to consignments finally released/ detained/ re-exported by Customs. For this purpose, IT system based requirements have been shared with Single Window team of CBIC and same is expected to be completed by the Customs within a year.

Vetting Comments of Audit

Ministry's reply is silent on PAC's recommendations that accountability of officials responsible for lapses of non-issue of the prescribed certificate be fixed.

Final ATN

FICS (Food Imports Clearance System) of FSSAI is integrated with Customs ICEGATE in such a way that bills of entry identified through Risk Management System (RMS) are forwarded to FSSAI for examination purpose and No Objection Certificate(NOC)/ Non-Conformance Certificate(NCC) is electronically transmitted from FICS to ICEGATE. *However, it may be noted that the process of integration of FICS (Food Imports Clearance System) of FSSAI with Single Window System of Customs ICEGATE was initiated only in 2015-16 and before that the applications were filed manually in the system. This resulted in several duplicate/wrongly filed/Incomplete applications being filed in the system which has to be rejected by Authorized Officer.*

At the time of audit, approx. 9204 such entries were noted which actually pertains to 3724 unique bills of entry since same bill of entry was filed multiple times by importers/ CHAs. Out of this, 783 bills of entry were accepted for further processing and decision was communicated, 248 bills of entry were not in scope of FSSAI as per their end use, clarification was sought in almost 194 bills of entry & appx. 2499 bills of entry were rejected at scrutiny itself by the concerned Authorised Officer as they were duplicate/wrongly filed/Incomplete applications.

To further strengthen the import control and ascertain the Out-of-Charge status of any food consignment, FSSAI is coordinating with Central Board of Indirect Taxes and Customs (CBIC) to carry out complete system integration of ICEGATE and FICS so that FSSAI may have all the data pertaining to consignments finally released to domestic area/detained/re-exported/destroyed by Customs. For this purpose , IT System based requirements have been shared with Single Window team of CBIC and same is expected to be completed by the Customs soon.

18. **Observations/Recommendation**

The Committee further take note of the gap analysis done by FSSAI in regard to the post of Designated Officers (DOs) under FSSAI and State Food Authorities. While the Designated Officer is one of the key posts, the Committee are astonished to note that State level Authorities are continuing with the shortage of DOs. The Committee felt that FSSAI should regularly undertake persuasive measures with the State Authorities and emphasise on them the urgency to expedite the recruitment of DOs , whose shortage ranges from 5 to 80 percent in 12 States. The Committee feel that continuing with such a shortage of staff will definitely tell upon the work of the existing staff and the quality of their performance The Committee would , therefore, recommend that the Ministry, in consultation with State Authorities , take necessary steps to overcome the shortage of staff especially at the key positions.

[Para 18]

Action Taken

The requirement of Designated Officers (DOs) as assessed is 840. Against this, the number of DOs in position is on a lower side. However, the number of DOs in position which was 619 during 2017-18 has gone up to 667 as on 31.12.2020. This number fluctuates as there were 741 DOs in 2018-19. These figures include DOs who are on additional charge.

FSSAI is regularly persuading States/UTs through various channels viz. written communications, Video Conferencing, State Visits and Central Advisory Committee meetings to appoint requisite number of full time Designated Officers, Food Safety Officers and other technical staff for efficient implementation of laid down provisions of FSS Act, Rules and Regulations made thereunder. Steps taken in this regard by States/UTs are being monitored regularly. Due to persistent efforts by FSSAI, action for creation of new posts/filling of posts have been initiated in various States like West Bengal, Andhra Pradesh, Jharkhand, Delhi, Sikkim, Himachal Pradesh, Punjab, Rajasthan, Bihar, Goa, Odisha etc.

Vetting Comments of Audit

PAC may be intimated about the latest status of vacancies under FSSAI and State Food Authorities.

Final ATN

*FSSAI had undertaken an exercise to work out the ideal strength of DOs/FSOs for each State/UT taking into account the population, number of blocks, sub-divisions, tehsils etc in States/UTs. The ideal strength of DOs/FSOs as per FSSAI so worked out was shared with States/UTs. This ideal strength was reviewed with the States/UTs in the 31st and 32nd Central Advisory Committee (CAC) meetings. After review and various consultations with States/UTs, the ideal strength was finalised in the 32nd CAC meeting held on 15 Sep 2021. The latest strength of DOs/FSOs of States/UTs vis-a-vis the ideal strength is detailed at **Annexure-III***

FSSAI is regularly persuading States/UTs through various channels viz. written communications, Video Conferencing, State Visits and Central Advisory Committee meetings to appoint requisite number of full time Designated Officers, Food Safety Officers and other technical staff for efficient implementation of laid down provisions of FSS Act, Rules and Regulations made thereunder. Steps taken in this regard by States/UTs are being monitored regularly. Due to persistent efforts by FSSAI, action for creation of new posts/filling of posts have been initiated in various States like West Bengal, Andhra Pradesh, Jharkhand, Delhi, Sikkim, Himachal Pradesh, Punjab, Rajasthan, Bihar, Goa, Odisha etc.

20. Observations/Recommendation

The Committee note that an unspent amount collected mainly in the form of license fee to the tune of ₹ 300 crore is lying idle with FSSAI for want of procedural approval/nod from Ministry of Finance for utilizing the same. The

Committee recommend the Government to intervene and expedite the examination of setting up of a separate public account with FSSAI to enable the latter to gainfully utilize these internally generated funds for discharging its mandated duties.

[Para 20]

Action Taken

The Authority has formulated the Financial Regulations and the same are pending consideration of the Government. Once these are approved, the draft regulations would be notified for soliciting comments from stakeholders. Provision for utilisation of internally generated funds has been included in the draft Financial Regulations.

Vetting Comments of Audit

The action is yet to be completed. Ministry may apprise the PAC about the timeline of notification of Financial Regulations of FSSAI and setting up of a separate public account with FSSAI.

Final ATN

The Authority has formulated the Financial Regulations and the same are under examination of the Ministry in consultation with Ministry of Law & Justice and Ministry of Finance. Once these are approved, the draft regulations would be notified for soliciting comments from stakeholders. Provision for utilisation of internally generated funds has been included in the draft Financial Regulations.

CHAPTER V

**OBSERVATIONS/RECOMMENDATIONS IN RESPECT OF WHICH
GOVERNMENT HAVE FURNISHED INTERIM REPLIES**

-NIL-

NEW DELHI:

7 December, 2022

16 Agrahayana 1944 (*Saka*)

ADHIR RANJAN CHOWDHURY
Chairperson,
Public Accounts Committee

(APPENDIX – II)
(Vide para 5 of Introduction)

**ANALYSIS OF THE ACTION TAKEN BY THE GOVERNMENT ON THE
OBSERVATIONS/RECOMMENDATIONS OF THE PUBLIC ACCOUNTS
COMMITTEE CONTAINED IN THEIR TWENTY FIRST REPORT
(SEVENTEENTH LOK SABHA)**

(i) Total No of Observations/Recommendations	-	20
(ii) Observations/Recommendations of the Committee which have been accepted by the Government:	-	Total: 13 Percentage–65%
Para Nos. 1, 2, 3, 4, 7, 8, 12, 13, 14, 15, 16, 17 and 19		
(iii) Observations/Recommendations which the Committee do not desire to pursue in view of the replies received from the Government:	-	Total: Nil Percentage - 0%
-Nil-		
(iv) Observations/Recommendations in respect of which replies of Government have not been accepted by the Committee and which require reiteration:	-	Total: 7 Percentage–35%
Para Nos. 5, 6, 9, 10, 11, 18 and 20		
(v) Observations/Recommendations in respect of which Government have furnished interim replies:	-	Total: Nil Percentage – 0%
-Nil-		